



**1992**

# ***Illinois Register***

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**Rules of Governmental Agencies**

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Secretary of State

## TABLE OF CONTENTS

PROPOSED RULES	PAGE
AGING, DEPARTMENT ON	
Community Care Program; 89 Ill. Adm. Code 240 .....	4087
BANKS AND TRUST COMPANIES, COMMISSIONER OF	
Americans With Disabilities Act Grievance Procedure; 4 Ill. Adm. Code 375 .....	4125
CONSERVATION, DEPARTMENT OF	
Falconry & the Captive Propagation of Raptors; 17 Ill. Adm. Code 1590 .....	4132
Urban & Community Forestry Grant Program; 17 Ill. Adm. Code 1538 .....	4148
INSURANCE, DEPARTMENT OF	
Internal Security Standard & Fidelity Bonds; 50 Ill. Adm. Code 904 .....	4159
NUCLEAR SAFETY, DEPARTMENT OF	
Status Signals for Nuclear Power Reactors; 32 Ill. Adm. Code 504 .....	4163
POLLUTION CONTROL BOARD	
Organic Material Emission Standards & Limitations; 35 Ill. Adm. Code 215 .....	4170
Organic Material Emission Standards & Limitations for the Chicago Area; 35 Ill. Adm. Code 218 .....	4184
Organic Material Emission Standards & Limitations for the Metro-East Area; 35 Ill. Adm. Code 219 .....	4200
PUBLIC AID, DEPARTMENT OF	
General Assistance; 89 Ill. Adm. Code 114 .....	4216
Reimbursement for Nursing Costs for Geriatric Facilities; 89 Ill. Adm. Code 147 .....	4218
PUBLIC HEALTH, DEPARTMENT OF	
Ill. Health & Hazardous Substances Registry; 77 Ill. Adm. Code 840 .....	4329
STATE POLICE MERIT BOARD, DEPARTMENT OF	
Procedures of the Department of State Police Merit Board; 80 Ill. Adm. Code 150 .....	4360
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
General Provisions; 23 Ill. Adm. Code 2700 .....	4368
Guaranteed Loan Programs; 23 Ill. Adm. Code 2720 .....	4386
Ill. National Guard Grant; 23 Ill. Adm. Code 2730 .....	4416
Ill. Veteran Grant (IVG) Program; 23 Ill. Adm. Code 2733 .....	4423
Limitation, Suspension, or Termination; 23 Ill. Adm. Code 2790 .....	4431
Merit Recognition Scholarship (MRS) Program; 23 Ill. Adm. Code 2761 .....	4452
Monetary Award Program (MAP); 23 Ill. Adm. Code 2735 .....	4458
Paul Douglas Teacher Scholarship Program; 23 Ill. Adm. Code 2762 .....	4475
State Scholar Program; 23 Ill. Adm. Code 2760 .....	4483
Student to Student (STS) Program of Matching Grants; 23 Ill. Adm. Code 2770 .....	4491
 ADOPTED RULES	
HIGHER EDUCATION, BOARD OF	
Ill. Cooperative Work Study Program; 23 Ill. Adm. Code 1015 .....	4496
MOTOR VEHICLE THEFT PREVENTION COUNCIL, ILLINOIS	
Public Information, Rulemaking, & Organization; 2 Ill. Adm. Code 1720 .....	4503
RACING BOARD, ILLINOIS	
Security Areas; 11 Ill. Adm. Code 436 .....	4520
REHABILITATION SERVICES, DEPARTMENT OF	
Non-Financial Eligibility Criteria; 89 Ill. Adm. Code 685 .....	4529

## EMERGENCY RULES

PUBLIC AID, DEPARTMENT OF General Assistance; 89 Ill. Adm. Code 114 .....	4540
--	------

## AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

CONSERVATION, DEPARTMENT OF Urban Forestry Grant Program; 17 Ill. Adm. Code 1538, Withdrawal .....	4555
---	------

## JOINT COMMITTEE ON ADMINISTRATIVE RULES - STATEMENT OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FILINGS & APPROVALS

PUBLIC HEALTH, DEPARTMENT OF Control of Sexually Transmissible Diseases Code; 77 Ill. Adm. Code 693, Recommendation .....	4556
--	------

## NOTICE OF PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF Notice of Acceptance of An Application By Firstar Corporation and Firstar Corporation of Ill., Milwaukee, Wisconsin, To Acquire First Geneva Banqueshares, Inc., Geneva, Ill.....	4557
--	------

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....	4558
------------------------------	------

## EXECUTIVE ORDERS AND PROCLAMATIONS

### PROCLAMATIONS

92-085 Mrs. Ellis Gibson Hatchett Day.....	4560
92-086 AFS Host Family Recognition Week.....	4560
92-087 Federal Employee Of The Year Day.....	4560
92-088 Karnevalsgesellschaft Rheinischer Verein Von Chicago Day.....	4561
92-089 U.S. Savings Bond Campaign Month.....	4561
92-090 Free Paper Week .....	4562
92-091 Irish-American Heritage Month.....	4562
92-092 Lifeline Pilots Month.....	4562
92-093 Mount Sinai Hospital Day.....	4563
92-094 Schaumburg Shoppers Day.....	4564
92-095 Student-Athlete Day.....	4564
92-096 Year of Clean Water/Clean Water Month.....	4565
92-097 Helen Garrett Day.....	4565
92-098 Casimir Pulaski Day.....	4566

## CUMULATIVE INDEX

1992 Index - Issue #12 .....	CI-1
------------------------------	------

## SECTIONS AFFECTED INDEX

1992 Index - Issue #12 .....	SAI-1
------------------------------	-------



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
Jan. 7, 1992	Jan. 14, 1992	4	Jan. 24, 1992	July 14, 1992	July 21, 1992	31	July 31, 1992
Jan. 14, 1992	Jan. 21, 1992	5	Jan. 31, 1992	July 21, 1992	July 28, 1992	32	Aug. 7, 1992
Jan. 21, 1992	Jan. 28, 1992	6	Feb. 7, 1992	July 28, 1992	Aug. 4, 1992	33	Aug. 14, 1992
Jan. 28, 1992	Feb. 4, 1992	7	Feb. 14, 1992	Aug. 4, 1992	Aug. 11, 1992	34	Aug. 21, 1992
Feb. 4, 1992	Feb. 11, 1992	8	Feb. 21, 1992	Aug. 11, 1992	Aug. 18, 1992	35	Aug. 28, 1992
Feb. 11, 1992	Feb. 18, 1992	9	Feb. 28, 1992	Aug. 18, 1992	Aug. 25, 1992	36	Sept. 4, 1992
Feb. 18, 1992	Feb. 25, 1992	10	Mar. 6, 1992	Aug. 25, 1992	Sept. 1, 1992	37	Sept. 11, 1992
Feb. 25, 1992	Mar. 3, 1992	11	Mar. 13, 1992	Sept. 1, 1992	Sept. 8, 1992	38	Sept. 18, 1992
Mar. 3, 1992	Mar. 10, 1992	12	Mar. 20, 1992	Sept. 8, 1992	Sept. 15, 1992	39	Sept. 25, 1992
Mar. 10, 1992	Mar. 17, 1992	13	Mar. 27, 1992	Sept. 15, 1992	Sept. 22, 1992	40	Oct. 2, 1992
Mar. 17, 1992	Mar. 24, 1992	14	Apr. 3, 1992	Sept. 22, 1992	Sept. 29, 1992	41	Oct. 9, 1992
Mar. 24, 1992	Mar. 31, 1992	15	Apr. 10, 1992	Sept. 29, 1992	Oct. 6, 1992	42	Oct. 16, 1992
Mar. 31, 1992	Apr. 7, 1992	16	Apr. 17, 1992	Oct. 6, 1992	Oct. 13, 1992	43	Oct. 23, 1992
Apr. 7, 1992	Apr. 14, 1992	17	Apr. 24, 1992	Oct. 13, 1992	Oct. 20, 1992	44	Oct. 30, 1992
Apr. 14, 1992	Apr. 21, 1992	18	May 1, 1992	Oct. 20, 1992	Oct. 27, 1992	45	Nov. 6, 1992
Apr. 21, 1992	Apr. 28, 1992	19	May 8, 1992	Oct. 27, 1992	Nov. 2, 1992 (Mon)	46	Nov. 13, 1992
Apr. 28, 1992	May 5, 1992	20	May 15, 1992	Nov. 2, 1992 (Mon)	Nov. 10, 1992	47	Nov. 20, 1992
May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
May 19, 1992	May 26, 1992	23	June 5, 1992	Nov. 24, 1992	Dec. 1, 1992	50	Dec. 11, 1992
May 26, 1992	June 2, 1992	24	June 12, 1992	Dec. 1, 1992	Dec. 8, 1992	51	Dec. 18, 1992
June 2, 1992	June 9, 1992	25	June 19, 1992	Dec. 8, 1992	Dec. 15, 1992	52	Dec. 28, 1992 (Mon)
June 9, 1992	June 16, 1992	26	June 26, 1992	Dec. 15, 1992	Dec. 22, 1992	1	Jan. 4, 1993 (Mon)
June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers:  
240.1600, 240.1605, 240.1610  
240.1620, 240.1625, 240.1630  
240.1635, 240.1640, 240.1645  
240.1650, 240.1655, 240.1660  
240.1665
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 23  
Sections 6104.01(4), (9), (11) and  
(12); 6104.02, 6104.03 and 6105.02
- 5) A Complete Description of the Subjects and Issues Involved:  
The purpose of this rulemaking is to make adjustments in the Community Care Program procurement process, compliance review processes, and contract actions, prior to the next solicitation for providers of the Community Care Program services. The procurement process has been expanded to include a more specific explanation of the emergency procurement process and terminology has been revised to clarify the standard procurement process. The service history score methodology which assigned a score based upon the individual provider's record of performance has been deleted. The compliance review process has been streamlined and clarified, allowing for removal of immediate on-notice language. In addition, a new type of review, Special Review, has been added to allow the Department to respond to service complaints or violations which are received from sources other than the standard compliance review process. Contract action rule language has been revised to implement additional sanctions short of contract termination.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.655	Amendment	10/11/91:15 Ill.Reg. 14335
240.430	Amendment	12/02/91:15 Ill.Reg. 17007
240.435	Amendment	12/02/91:15 Ill.Reg. 17007
240.720	Amendment	12/02/91:15 Ill.Reg. 17007
240.725	Amendment	12/02/91:15 Ill.Reg. 17007

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking by writing to Ms. Mary J. Mayes, Policy and Rules Analyst, Illinois Department on Aging, 421 East Capitol Avenue, Springfield, Illinois 62701 within 45 days after the date of this issue of the Illinois Register.

These rule amendments will have an impact on small businesses. In accordance with Sections 3.01 and 4.02 of the Illinois Administrative Procedure Act, any small business may present their comments to Mary J. Mayes at the above address. Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rule amendments shall indicate their status as such, in writing, in their comments.

In addition, the Department on Aging will hold PUBLIC HEARINGS on this rulemaking as follows:

DATE: March 24, 1992  
TIME: 10:00 A.M. until 12:00 P.M.  
LOCATION: Room 161 (Auditorium)  
Centennial Building  
2nd and Edwards Streets  
Springfield, IL 62701

DATE: March 31, 1992  
TIME: 10:00 A.M. until 12:00 P.M.  
LOCATION: State of Illinois Center  
Room 9-040  
100 W. Randolph  
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

## NOTICE OF PROPOSED AMENDMENTS

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 5, 1992
- B) Types of small businesses affected:  
Providers of homemaker, chore-housekeeping and adult day care services through the Community Care Program.
- C) Reporting, bookkeeping or other procedures required for compliance:  
No change from previously established requirements.
- D) Types of professional skills necessary for compliance:  
No change from previously established requirements.

The full text of the Proposed Amendments begins on the next page:

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240  
COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section  
240.100  
240.110  
240.120  
240.130  
240.140  
240.150  
240.160

Community Care Program  
Department Prerogative  
Services Provided  
Maintenance of Effort  
Program Limitations  
Completed Applications Prior to August 1, 1982 (Repealed)  
Definitions

## SUBPART B: SERVICE DEFINITIONS

Section  
240.210  
240.220  
240.230  
240.240  
240.250  
240.260  
240.270  
240.280

Homemaker Service  
Chore-Housekeeping Service  
Adult Day Care Service  
Information and Referral  
Demonstration/Research Projects  
Case Management Service  
Alternative Provider  
Individual Chore-Housekeeping Provider

## SUBPART C: RIGHTS AND RESPONSIBILITIES

Section  
240.300  
240.310  
240.320  
240.330  
240.340  
240.350  
240.360  
240.370

Applicant/Client Rights and Responsibilities  
Right to Apply  
Nondiscrimination  
Freedom of Choice  
Confidentiality/Safeguarding of Case Information  
Applicant/Client/Authorized Representative Cooperation  
Reporting Changes  
Voluntary Repayment

## SUBPART D: APPEALS

Section  
240.400  
EMERGENCY  
240.405

Appeals and Fair Hearings  
Representation



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

240.410 When the Appeal May Be Filed  
 240.415 What May Be Appealed  
 EMERGENCY  
 240.420 Group Appeals  
 240.425 Informal Review  
 240.430 Informal Review Findings  
 EMERGENCY  
 240.435 Withdrawing an Appeal  
 EMERGENCY  
 240.440 Examining Department Records  
 240.445 Hearing Officer  
 240.450 The Hearing  
 240.455 Continuance of the Hearing  
 240.460 Postponement  
 240.465 Dismissal Due to Non-Appealance  
 240.470 Rescheduling the Appeal Hearing  
 240.475 Recommendations of Hearing Officer  
 240.480 The Appeal Decision  
 240.485 Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section  
 240.510 Application for Community Care Program  
 240.520 Who May Make Application  
 240.530 Date of Application  
 240.540 Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section  
 240.600 Eligibility Requirements  
 240.610 Establishing Eligibility  
 240.620 Home Visit  
 240.630 Determination of Eligibility  
 240.640 Eligibility Decision  
 240.650 Continuous Eligibility  
 240.655 Frequency of Redeterminations  
 EMERGENCY  
 240.660 Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section  
 240.710 Age  
 240.715 Determination of Need  
 240.720 Clients Prior July 1, 1990

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

EMERGENCY  
 240.725 Maximum Payment Levels for Service  
 EMERGENCY  
 240.726 Emergency Budget Act Reduction  
 EMERGENCY  
 240.730 Plan of Care  
 240.735 Supplemental Information  
 240.740 Assessment of Need  
 240.750 Citizenship  
 240.755 Residence  
 240.760 Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
 240.800 Financial Factors  
 EMERGENCY  
 240.810 Assets  
 EMERGENCY  
 240.815 Exempt Assets  
 240.820 Asset Transfers  
 240.825 Income  
 EMERGENCY  
 240.830 Unearned Income Exemptions  
 240.835 Earned Income  
 240.840 Potential Retirement, Disability and Other Benefits  
 240.845 Family  
 240.850 Monthly Average Income  
 240.855 Applicant/Client Expense for Care  
 EMERGENCY  
 240.860 Change in Income  
 240.865 Application For Medical Assistance (Medicaid)  
 240.870 Determination of Applicant/Client Monthly Expense for Care  
 240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
 240.910 Written Notification  
 240.915 Service Provision  
 240.920 Reasons for Denial  
 240.925 Frequency of Redeterminations (Renumbered)  
 240.930 Suspension of Services  
 240.935 Discontinuance of Services to Clients

## NOTICE OF PROPOSED AMENDMENTS

240.940 Penalty Payments  
240.945 Notification  
240.950 Reasons for Termination  
240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section  
240.1010 Nursing Home Prescreening  
240.1020 Interim Services  
240.1040 Intense Service Provision  
240.1050 Temporary Service Increase

## SUBPART K: TRANSFERS

Section  
240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service  
240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service  
240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit  
240.1140 Transfer of Pending Applications  
240.1150 Interagency Transfers  
240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit  
240.1170 Caseload Transfer - Vendor to Vendor  
240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section  
240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 Suspension/Termination of a Vendor or Case Coordination

## NOTICE OF PROPOSED AMENDMENTS

Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section  
240.1410 Case Coordination Units  
240.1420 Case Coordination Unit Responsibilities

## SUBPART O: VENDORS

Section  
240.1510 Vendor Administrative Minimum Standards  
240.1520 Vendor Responsibilities  
240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities  
240.1550 Standard Requirements for Adult Day Care Vendors  
240.1555 General Adult Day Care Staffing Requirements  
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities  
240.1565 Adult Day Care Satellite Sites  
240.1570 Adult Day Care Service Availability Expansion  
240.1575 Adult Day Care Site Relocation  
240.1580 Standards for Alternative Providers  
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

## SUBPART P: PROVIDER/VENDOR PROCUREMENT

Section  
240.1600 Provider/Vendor Contract/Procurement  
240.1605 Procuring Provider/Vendor Services  
240.1610 Procurement Cycle for Provider Services  
240.1620 Issuance of Provider/Vendor Request for Proposal and Guidelines  
240.1625 Content of Provider/Vendor Request for Proposal and Guidelines  
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Provider/Vendor Contracts Awarded  
240.1635 Evaluation of Provider/Vendor Proposals  
240.1640 Notification of Provider/Vendor Awards  
240.1645 Protest or Objection to Procurement Action/Vendor Request for Proposal Award Determination  
240.1650 Classification of Provider Service Violations/Failure to



NOTICE OF PROPOSED AMENDMENTS

240.1655 ~~Maintain Vendor Compliance to Contract~~  
~~Method of Identification of Provider Service Type I, II~~  
~~and III Vendor Violations~~  
240.1660 ~~Compliance Reviews of Contracted Provider Agencies~~  
~~Compliance During Contract Period~~  
240.1665 ~~Contract Actions for Failure to Comply with Community~~  
~~Care Program Requirements~~

SUBPART R: ADVISORY COMMITTEES

Section  
240.1800 Policy Advisory Committee  
240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES

Section  
240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping  
and Homemaker Services  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care  
Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section  
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker  
Services  
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker  
Services  
240.2040 Minimum Direct Service Worker Costs for Chore-  
Housekeeping and Homemaker Services  
240.2050 Cost Categories for Chore-Housekeeping and Homemaker  
Services

AUTHORITY: Implementing Section 4.02 and authorized by Section  
4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch.  
23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective  
December 20, 1979, for a maximum of 150 days; adopted at 4 Ill.  
Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg.  
43, p. 86, effective October 15, 1980; emergency amendments at 5  
Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150  
days; amended at 5 Ill. Reg. 12090, effective October 26, 1981;

emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982,  
for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective  
December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20,  
1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739,  
effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective  
July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective  
August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg.  
5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980;  
amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency  
amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a  
maximum of 150 days; amended at 13 Ill. Reg. 17327, effective  
November 1, 1989; amended at 14 Ill. Reg. 1233, effective January  
12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990;  
emergency amendments at 15 Ill. Reg. 2838 effective, February 1,  
1991 for a maximum of 150 days; amended at 15 Ill. Reg. 10351,  
effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593,  
effective October 1, 1991, for a maximum of 150 days; emergency  
amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for  
a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective  
December 13, 1991; emergency amendments suspended at 16 Ill. Reg.  
1744; emergency amendments at 16 Ill. Reg. 2630 effective February  
1, 1992, for a maximum of 150 days; emergency amendments modified  
and reinstated at 16 Ill. Reg. 2943; emergency amendments at 16  
Ill. Reg. 2901, effective February 6, 1992, to expire June 30,  
1992; emergency amendments at 16 Ill. Reg. 2901, effective February  
28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg.  
\_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Bold faced type denotes statutory language.

SUBPART P: PROVIDER/VENDOR PROCUREMENT  
Section 240.1600 ~~Provider/Vendor Contract~~ Procurement

a) All services provided to Community Care Program  
~~clients~~ eligible individuals shall be delivered in  
accordance with contracts entered into between the  
~~provider/vendor~~ agencies and the Department. The  
Department shall operate, for services as described in  
Sections 240.210, 240.220, 240.230 and 240.250, under  
procurement policies ~~and procedures~~ described in  
this Subpart.

b) The contract shall ~~be~~ be a binding agreement made  
~~between~~ between the Department and the ~~provider/vendor~~ agencies  
~~as to~~ as to evidence of the terms and conditions of the

## DEPARTMENT ON AGING

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

contract. The terms and conditions shall, at a minimum, include the following but are not limited to:

- 1) the contractual agreement between the Department and the provider vendor may be terminated without cause by either party upon thirty (30) calendar days written notice;
- 2) the contractual agreement between the Department and the provider vendor may be amended, with the mutual consent of both parties, at any time during the term of the contract;
- 3) all program and financial records, reports, and related information and documentation, including client files, which are generated as a result of the agreement shall be considered the property of the Department.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1605 Procuring Provider Vendor Services

- a) The services procured pursuant to this Part are considered by the Department to be professional services to protect because of the health, life, safety and welfare of the Community Care Program (CCP) clients. Social services performed by the service vendors. Although the Department is not required to competitively bid professional services, in order to maximize competition in the procurement of CCP services the Department shall, whenever possible, procure these services through use of the Request for Proposal process described in this Subpart. An essential element of the program is that the client must trust the service vendor to perform services for the client in the client's home or at the adult day care site.

1) The Department shall solicit proposals for the provision of CCP services in accordance with the procurement cycle specified in Section 240.1610.

2) The Department shall also solicit proposals, using the Request for Proposal process, whenever necessary to ensure that the best interests, as determined by the Department, of the client population are met.

- 3) If, after evaluation of the responses to the Request for Proposal process, the Department determines not to make an award, the Department shall secure needed services through any means of selection likely to result in a contract.

b) The Department shall use the following emergency contracting process if time does not permit the use of an advertised procurement action as specified in subsection 240.1620(a), or if, after evaluation of the responses to the Request for Proposal process, the Department determines not to make an award. Although professional services are exempt from the competitive bid requirement of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.), the Department, in order to maximize competition in the procurement of Community Care Program (CCP) services, has chosen to procure these services through use of the request for proposal process described in this Subpart.

1) The Department shall contact current CCP providers of the same or similar service in the emergency contracting area in order to issue a temporary negotiated contract(s) at established fixed unit rates (refer to Subpart 5 of this Part).

A) If a current CCP provider(s) in the emergency contracting will not accept a temporary negotiated contract, the Department shall subsequently contact participants in the previous CCP procurement for that area who submitted proposals for the needed service.

B) If no participants in the previous CCP procurement will accept a temporary negotiated contract, the Department shall contact current CCP providers of the same or similar service in geographic areas contiguous to the emergency contracting area.

2) If the Department is unable to issue a temporary negotiated contract(s) at established fixed unit rates, the Department shall issue a temporary negotiated contract(s) at alternative unit rates.

A) The Department shall solicit sealed bids for alternative unit rates through advertisements



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

in the Official State Newspaper, as specified in subsection 240.1620(a)(1).

B) If the Department has insufficient time to solicit for alternative unit rate bids through an advertised procurement, or if the Department determines not to accept an alternative unit rate bid resulting from the formal advertised bid solicitation, verbal bids for alternative unit rates shall be solicited from current CCP providers of the same or similar service in the emergency contracting area.

i) If a current CCP provider(s) does not submit a verbal bid for an alternative unit rate, or if the Department determines not to accept an alternative unit rate bid, verbal bids shall subsequently be solicited from participants in the previous CCP procurement for that area who submitted proposals for the needed service.

ii) If no participants in the previous CCP procurement submit a verbal bid for alternative unit rates, or if the Department determines not to accept an alternative unit rate bid, the Department shall contact current CCP providers of the same or similar service in geographic areas contiguous to the emergency contracting area in order to solicit verbal bids for alternative unit rates.

3) Contracts issued as a result of the emergency contracting process shall be effective until the County/Sub-Area/Region is opened for a scheduled two year procurements cycle (refer to Section 240.1610).

4) If the Department is unable to issue a temporary negotiated contract, at either the established fixed unit rate or at an alternative unit rate, the Department shall transfer clients to another CCP service provider to ensure continuation of service to clients.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

c) The Department shall procure services through the emergency contracting process under the following circumstances: If, after evaluation of the responses to the request for proposals (refer to Section 240.1635), the Department determines not to make an award, the Department shall secure needed services through any means of selection likely to result in a contract.

1) service is immediately needed to prevent interruption of services to current clients, and/or

2) service is immediately needed to protect a client's health, safety or welfare, and/or

3) service is of such a nature or the market place is such that only one provider is reasonably capable and willing to perform the requisite service(s).

d) In the event of an emergency, the request for proposal process will not be used, and the Department shall issue a temporary negotiated contract under the following circumstances:

1) service is immediately needed to prevent interruption of services to current clients, or

2) service is immediately needed to protect a client's health, safety or welfare, or

3) service is of such a nature or the market place is such that only one vendor is reasonably capable or willing to perform.

4) In the event that the Department is unable to issue a temporary negotiated contract, the Department shall transfer clients to another CCP service to ensure continuation of service to clients.

e) Temporary negotiated contracts shall be sought by the Department if the requirements, as stated above, are met. To the extent practicable, emergency procurements shall only be made during the emergency and only continue until the next eighteen (18) month procurement cycle solicitation (see Section 240.1610).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## NOTICE OF PROPOSED AMENDMENTS

## Section 240.1610 Procurement Cycle for Provider Services

a) The Department will solicit Requests for Proposals (RFPs) for the provision of Community Care Program (CCP) services on a six Fiscal Year four and one-half (4 1/2) year cycle, beginning with contracts effective July 1, 1993, to ensure that at least once every four and one-half (4 1/2) years a county/service area will be opened for free and open competition for contracts to provide homemaker, chore housekeeping and adult day care services.

1a) To ensure all contracts are procured equitably, at least once every six years each County/Sub-Area/Region within all 102 Illinois counties will be opened for free and open competition for contracts to provide CCP homemaker, chore housekeeping and adult day care services and meet all procurement requirements of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.), 102 counties will be opened for initial statewide solicitation for homemaker, chore housekeeping and adult day care services in Fiscal Year 1990 to begin the four and one-half (4 1/2) year cycle.

b) ~~Contracts issued prior to June 30, 1993 shall terminate no later than June 30, 1997. Thereafter, the City of Chicago and Suburban Cook County will be opened for solicitation by sub-areas: five (5) in Chicago and three (3) in suburban Cook County. The rotation of sub-areas shall ensure that at no one future solicitation shall the entire City of Chicago or Suburban Cook County be opened (see Section 240.1625).~~

21e) An initial selection of at least one-third of the CCP contracts resulting from the Fiscal Year 1991 statewide solicitation shall be opened for competition by County/Sub-Area/Region, with contracts effective July 1, 1993. Thereafter, at least one-third of the CCP contracts, by County/Sub-Area/Region, shall be opened for solicitation and contract award every two years. At least one-third (1/3) of the CCP contracts, which shall be randomly chosen, shall be opened for free and open competition every eighteen (18) months

## NOTICE OF PROPOSED AMENDMENTS

~~following the initial statewide solicitation.~~

3d) The Department shall offer a contract for a period of time not to exceed six years, with options to extend said contract, for a period of time not to exceed four and one-half (4 1/2) years following the initial contract execution. Thus, a contractor exhibiting good service performance might be retained, through contract extension, for a four and one-half (4 1/2) year period.

e) ~~In the event that a change in the fixed unit rate amount (refer to sections 240.1910, 240.1930, 240.1940 and 240.1950) occurs during the four and one-half (4 1/2) year cycle, the Department shall exercise its thirty (30) calendar day termination or mutual amendment rights, in order to ensure full implementation of the adjusted rate.~~

4) All areas except the City of Chicago and Suburban Cook County will be opened for solicitation by County.

i) The City of Chicago and Suburban Cook County will be opened for solicitation by Sub-Area or Region: five Sub-Areas in the City of Chicago and three Regions in Cook County.

ii) No more than two Sub-Areas and one Region shall be randomly selected during any two year solicitation cycle.

iii) Once a County/Sub-Area/Region has been randomly selected for solicitation in a scheduled two year procurement cycle, that County/Sub-Area/Region cannot be randomly selected a second time during the six year contract effective period.

iv) The Department reserves the right to a limited selection of additional Counties/Sub-Areas/Regions which may exceed the random selection for a scheduled two year procurement cycle.

b) Contracts issued prior to June 30, 1993 shall terminate no later than June 30, 1997.



NOTICE OF PROPOSED AMENDMENTS

- 3) Following the deadline for submission of proposals, individuals/agencies/RFP and subsequent award process, applicants must again request, in writing, placement on the mailing list for the next advertised procurement action/RFP.

c) All current contractors will be notified of the Department's intent to procure. The Department shall ensure that RFPs are issued to current contractors in good standing whose service areas are open for solicitation.

- 1) The Department shall send the Provider Proposal and Guidelines to all current contractors who request these documents.

- 2) The Department shall ensure that the Provider Proposal and Guidelines are issued to current contractors whose service and service area are open for solicitation in the advertised procurement action.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
Section 240.1625 Content of Provider/Vendor Request for Proposal and Guidelines

- a) The Department Guidelines for Completion of the RFP Provider Proposal shall contain the necessary information to enable a prospective provider to prepare a proposal, including include:

- 1A) a clear and accurate description of the service to be provided;  
2B) the submission process;  
3E) the review process;  
4D) general contract and bid/competitive information;  
5E) the date, time and address of any bidders' conference(s), when applicable;  
6F) Department contact person;  
7G) evaluation factors and the weighting of those factors.

a) A Request for Proposal (RFP) shall be in writing and

NOTICE OF PROPOSED AMENDMENTS

- c) If there is a change in the established fixed unit rate amount (refer to Subpart 5 of this Part), the Department shall exercise its thirty calendar day termination rights or mutual amendment rights, in order to ensure implementation of the adjusted rate.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1620 Issuance of Provider/Vendor Request for Proposal and Guidelines

- a) Department procurement actions shall be advertised in the Official State Newspaper, except as specified in the emergency contracting process (refer to subsection 240.1605(b)).

- 1) Advertisements shall appear at least three (3) times with the first and last advertisement at least ten (10) calendar days apart.

- 2) Advertisements shall indicate, specifically or in general, the Department's needs, while inviting individuals/agencies to request the Provider Proposal and Guidelines (refer to Section 240.1625) may detail the Department's needs or may generally indicate needs while inviting vendors to request the Request for Proposal (RFP).

- b) The Department shall establish and maintain a mailing list of individuals/agencies/applicants/vendors who are interested in providing applicable services to be bid and have demonstrated that interest, in writing, to the Department.

- 1) All individuals/agencies on this mailing list will be notified of the Department's advertised procurement action. The Department shall send the Provider Proposal and Guidelines to all individuals/agencies who request these documents/RFPs shall be sent to applicants/vendors on this mailing list.

- 2) The mailing list shall be maintained by the Department until the deadline for submission of proposals for the next scheduled two year procurement cycle/RFP process has been completed.

## NOTICE OF PROPOSED AMENDMENTS

contain the necessary information to enable a prospective vendor to prepare a proposal.

- b2) The Vendor Proposal, Part B, consists of the questions and required attachments narrative sections to be completed addressed by the applicant/vendor and returned to the Department for consideration and scoring.
- b) The RFP shall consist of two parts: Department Guidelines for Completion of RFP (Part A), and the Vendor Proposal (Part B).
- c) A proposal which does not respond to all requirements in subsection (b) above shall be deemed incomplete and shall not be considered by the Department. An incomplete proposal shall not be considered by the Department.
- d) All proposals shall be considered as submitted and may not be amended or revised except as determined by the Department, in order to ensure adherence to rules and proposal commitments or upon submission by the applicant of supportive evidence of an apparent clerical mistake or informality disclosed prior to notification of award determination (refer to Section 240.1640).

- 1) The Director reserves the right to reject any informality in the proposal when, in the Director's opinion, the best interest of the State will be served by such action. No corrections shall be permitted to make unresponsive proposals responsive to the rating criteria and proposal guidelines.
- 2) No corrections by the applicant shall be permitted to make unresponsive proposals responsive to the rating criteria and proposal guidelines.
- 23) Allowable administrative corrections will be made by the Department within seven (7) calendar days from the date of receipt of supportive documentation (i.e., work papers).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1630 Criteria for Number of ~~Chore Housekeeping and~~  
Homemaker Provider/Vendor Contracts Awarded

- a) The Department will establish in advance, and publish in the Official State Newspaper, the notice of the Request for Proposal (RFP), and the geographic area for chore-housekeeping and homemaker service and the

## NOTICE OF PROPOSED AMENDMENTS

County(ies)/Sub-Area(s)/Region(s) to be opened for solicitation to be specified in each service contract.

- 1) In each County/Region, the Department prefers to contract with at least two providers for each service. In single county contract service areas, the Department will contract with at least two vendors for each service if the population in the particular county age 75+, and in poverty, equals or exceeds 800 persons using the most recent U.S. Census data available.
- A) If the Department determines that one provider is sufficient to provide adequate service to Community Care Program clients in a County/Region, or if the caseload size is not sufficient to support two vendors in a County/Region, the Director may determine that it is in the best interests of the Community Care Program to contract with a single provider in a County/Region.
- B) Additional providers will be contracted with, on an as needed basis, to ensure that the best interests, as determined by the Department, of the client population are met.
- 2) In each Sub-Area in the City of Chicago, the Department will contract with no more than eleven Sub-Area-wide providers for a specific service in a Sub-Area.
- EXCEPTION: The Department will contract with no more than six Sub-Area-wide providers for a specific service in the City of Chicago's Northeast and Northwest service areas.
- 3) The Department may contract with additional providers in a restricted contract area (less than the full County/Sub-Area/Region) when it is demonstrated that a racial and/or language minority and/or other special population(s), residing within that restricted contract area, does not have ready access to Community Care Program services.
- 4) At no time can a provider serving an unrestricted contract area also serve a restricted contract area in the same County/Sub-Area/Region.
- b) The Department will establish in advance and publish in



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

the Official State Newspaper, the notice of the Request for Proposal (RFP) for adult day care service and the County(ies)/Sub-Area(s)/Region(s) to be opened for solicitation.

- c) The Department will not set any minimum or maximum number of adult day care service contracts to be awarded within any County/Sub-Area/Region, and will entertain proposals for adult day care for a portion of a specified County/Sub-Area/Region.

- 2) In multi-county contract service areas, the Illinois Department on Aging will contract with at least two vendors for each service if:

- A) the population age 75+, and in poverty, equals or exceeds 800 in at least one of the counties using the most recent U.S. Census data available; or
- B) the population age 75+, and in poverty, equals or exceeds 1250 in the total service area using the most recent U.S. Census data available.

- 3) Additional vendors will be contracted with, on an as-needed basis, for single and multi-county contract service areas, to ensure that the best interests, as determined by the Department, of the client population are met.

- 4) The Department will contract with no more than eleven (11) vendors for a specific service in a contract service area with no more than eight (8) of these vendors having area wide contracts.

EXCEPTION: The Department will contract with no more than six (6) area wide vendors in the City of Chicago's Northeast and Northwest service areas.

- 5) The Department will allow up to three (3) local (e.g., neighborhood or special service) vendors of a restricted contract area (less than the full contract service area) for each service.

- A) At the applicant's request, the Department will consider placing a cap on the local vendor contract based upon the service needs of the local contract area.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- B) At no time can an area wide vendor be a local vendor in the same service area.

- b) The Department will establish in advance and publish in the Official State Newspaper, the Request for Proposal (RFP) and the geographic area to be specified in each contract for adult day care service. However, the Department will not set any minimum or maximum number of adult day care service contracts to be awarded within any given area.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1635 Evaluation of Provider/Vendor Proposals

- a) When determining if an applicant shall be awarded a contract, the Department shall evaluate the Provider Proposal/consider the evaluation of Part B (Vendor Proposal) of the Request for Proposal (RFP). The following quality criteria and assigned points for items scored in the Provider Proposal/Part B are:

- 1) Community Care Program (CCP) experience—as evidenced by a contracted vendor, (0-250 points);
- 2) Current community experience and history of comparable service provision in provision of service in the solicited area, (0-20 points);
- 3) Community board or ownership participation linkages in the community to be served, (0-105 points);
- 4) Optional service components/evaluation system service components, (0-150 points); and
- 5) Client satisfaction/evaluation system service components, (0-150 points);
- 6) Staff benefits, (0-5 points);
- 6) Training of staff, (0-105 points);
- 8) Staff qualifications, (0-5 points);
- 9) Supervision, (0-5 points);

- b) The Provider Proposal, containing items 1 through 6 in subsection (a) above, shall be scored by a Review Committee designated by the Director. An additional quality criteria shall be service history. The service

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

history score shall be calculated prior to issuance of the (RFP) and based upon the compliance review report completed in the previous contract period. Each contract vendor shall be notified in writing of the service history score upon issuance of the RFP. The points awarded for the service history section for all vendors/vendor applicants may range from a positive ten (+10) points, the best score assigned, to a negative forty (-40) points, the poorest score assigned.

1) The service history score is achieved as follows for currently contracted vendors applying for their present contract areas:

A) each contract file of an "On Notice" vendor shall contain a record which becomes an on notice score, as factored by Type I, II and III classifications (See Section 240.1650).

B) The service history score applies to each distinct county/service area within the original contract on notice service area; should the RFP address only a portion i.e., one county of a multicounty on notice score.

C) Contracts which have no compliance review findings, and therefore have no on notice score, shall be assigned a on notice score of zero (0).

B) Each contract "On Notice" score is ranked amongst all contract "On Notice" scores.

B) Dependent upon the percentile on which the contract on notice score rests, a service history score is assigned by the following chart:

On Notice Percentile Cumulative Service  
Compliance Rank Score History Score  
Review Score (Ranked from Percent Score  
(Ranked from best to the  
the least poorest)  
score to  
the highest  
score)

10	10	10
10	20	5
15	35	0

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

15	50	5
10	60	10
10	70	15
10	80	20
5	85	25
5	90	30
5	95	35
5	100	40

2) Applicants with current Community Care Program experience but no service history score in the solicited area will be awarded a service history score of zero (0).

3) Applicants with no Community Care Program experience as of the date of submission of their RFP, and, therefore, no service history score, will be awarded the following service history scores by category:

A) No history as a CCP provider, but has provided service in service area for one or more years: -10 points;

B) New provider with no prior service provision/experience in service area (less than one year): -20 points.

e) Scoring Part B, Vendor Proposal (items 1 through 9), of the RFP shall be completed by a Review Committee designated by the Director. The Review Committee shall be Department staff and respective Area Agency on Aging (AAA) staff who have agreed to participate.

1) Scores determined by the participating AAA shall constitute 45% of the total Part B (items 1 through 9) score;

2) Scores determined by Department staff shall constitute the remaining 55% of the total Part B (items 1 through 9) score.

d) The combination of the written evaluation of Part B, Vendor Proposal, as provided by the Department staff/AAA reviewers, plus the service history score shall constitute a maximum of 100 points of the evaluation score of the proposal and, therefore, the final score.

e) Scores and score sheets shall be forwarded by the Review Committee to the Department for logging and confirmation.



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

The Department shall do the following:

- 1) ~~Part B scores of items number 1-9 shall be factored and confirmed.~~
- 2) ~~Part B scores items number 1-9 shall be recorded.~~
- 3) ~~The service history score shall be factored and confirmed.~~
- 4) ~~The total score shall be recorded.~~
- 5) ~~Recommendations shall be forwarded to the Director.~~

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1640 Notification of Provider/Vendor Awards

a) The Director shall represent and act for the State in all matters pertaining to the Request for Proposal (RFP) process and contracts awarded. The Director reserves the right to reject any informality in the proposal when, in the Director's opinion, the best interest of the State will be served by such action. The Director receives all scores, recommendations and has the ultimate decision making authority for the award of contracts.

b) After the evaluation of proposals has been completed, the Department shall notify each applicant, in writing, of the Department's intent to contract with the applicant or intent to reject the applicant's proposal. Applicant's success or failure to be granted a contract.

The Department shall provide all applicants with their score and a copy of their score sheet upon notice of intent to contract or notice of rejection of the proposal. The notice and score sheet shall be sent by certified mail, return receipt requested.

c) The Department shall also provide all applicants with a copy of their individual score sheet and a copy of the score sheet received by any successful competitor in direct competition with the applicant. The notice and score sheet(s) shall be sent by certified mail, return receipt requested. A successful vendor shall be held accountable for any and all statements made in the vendor's proposal until such time as a new Request for Proposal is solicited and the vendor has been awarded a new contract. A determination of the extent of a

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

contracted vendor's compliance with that vendor's proposal shall be made by the Department through the compliance review process.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1645 Protest or Objection to Procurement Action/Vendor Request for Proposal Award Determination

a) Upon receipt of written notification of the Department's intent to contract or intent to reject the applicant's proposal (refer to Section 240.1640), the applicant may object to the procurement action. Upon completion of proposal evaluation and determination of awards, the Department shall notify each competitor of the Department's intent to award or not award a contract. Included in the notification shall be a copy of the criteria used to rate the proposal, a photocopy of their specific score sheets, and a comparative chart of the respective quality criteria scores and total score received by a successful competitor for that contract area.

1) An objection regarding a procurement action must be in writing and must be received at the Department's Springfield office on or before the tenth calendar day from the date of the applicant's receipt of the notice of the objectionable action. If the objection is not received before the close of business on the tenth calendar day, as specified above, the objection shall be disregarded.

2) Each objection must contain a full and concise statement of the facts and circumstances of the action which is alleged to be objectionable, legally or otherwise, and a statement of the relief sought. The objection must pertain to points awarded on the applicant's Proposal or on a Competitor's Proposal.

b) The Department shall observe the Department of Central Management Services' Standard procurement rules (44 Ill. Adm. Code 1) for objection or protest proceedings. Due consideration shall be given to each protest or objection filed accordingly.

1) Upon receipt of the written notice, the applicant may protest or object to said procurement action.

2) A protest or objection regarding a procurement

## NOTICE OF PROPOSED AMENDMENTS

~~action or decision must be in writing and sent by certified or registered mail, return receipt requested, to the Department's Springfield office within seven (7) calendar days from the date of the protester's receipt of the notice of the objectionable action. If the protest is not received in the time specified above, the protest shall be disregarded and the award shall be made in the normal manner.~~

~~3) Each protest or objection must contain a full and concise statement of the facts and circumstances of the action which is alleged to be objectionable, legally or otherwise, and a statement of the relief sought.~~

A) The Department may request additional details at any time.

B) Failure to supply any information requested by the Department will be cause for dismissal of the ~~objection~~ protest.

~~be) Upon receipt of written protest or objection, the Department shall immediately review the procurement action in question and shall issue a written response. The procurement action shall be considered final until any relevant objections are resolved. The decision of the Director is final. It shall be in writing and sent by certified mail, return receipt requested.~~

~~cd) The decision of the Director is final and shall be sent by certified mail, return receipt requested. If a written protest against the making of an award is received, the award shall not be considered final until the matter is resolved.~~

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1650 Classification of Provider Service Violations  
~~Failure to Maintain Vendor Compliance to Contract~~

~~Failures to comply with the contract/Department rules shall be identified and classified by the Department. The Department has identified and prioritized vendor service violations, which are failures to comply to the contract/Department rules. There are three classifications of violations: type i, type ii, and type iii.~~

a) In determining the classification assigned to each

## NOTICE OF PROPOSED AMENDMENTS

provider service violation, the Department shall consider the following:

1) The severity of the violation.

2) The danger posed by the violation to the health, safety and welfare of the client, based upon degree of client impairment and availability of support sources.

3) The provider's efforts to correct violations.

4) The volume and scope of violation(s).

There are three classifications of violations: Type I, Type II, and Type III.

1a) Type I provider violations are client-centered violations which pose an imminent risk to the health, safety and welfare of the Community Care Program (CCP) client, and represent situations where failure to correct the violation could result in the client's potential hospitalization or nursing home placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within sixty calendar days. Type I violations shall include:

i) Delays/failure to initiate new service by the effective date (failure could result in hospitalization and nursing home placement). EXEMPTIONS: Capacity of an adult day care facility would be exceeded by acceptance of a new client, or service required in a client's plan of care cannot be provided by the vendor in accordance with the limitations noted on the Vendor Check List and approved by the Department.

2) Failure to follow a plan of care (failure could result in hospitalization/nursing home placement of a client).

3) Failure to accept referrals of interim services cases.

4) Failure to initiate interim services within two (2) work days.



## NOTICE OF PROPOSED AMENDMENTS

- 5) ~~Failure to remove workers with communicable diseases which pose a threat to the client's health.~~
- 6) ~~Failure to have at least a minimum of two (2) staff persons at the adult day care site at all times when open and failure to have a Program Nurse on staff as required.~~
- 7) ~~Unsafe facility (adult day care) includes failure to meet all fire regulations/codes, have unsafe exit areas.~~
- 8) ~~Failure to meet transportation requirements (vehicle safety, driver qualifications, etc.) (adult day care).~~
- 9) ~~Failure of required staff to meet the physical requirement as specified in Section 240.1510.~~
- 10) ~~Food related failures (adult day care) to include:~~
- ~~A) improper food temperatures;~~
  - ~~B) failure to maintain temperatures;~~
  - ~~C) failure to have a certified food handler on staff;~~
  - ~~D) failure to have the required menu, special diet, catering and required sign-offs by a dietitian;~~
  - ~~E) failure to provide special diets in accordance with physicians' instructions.~~
- 11) ~~Improper handling, lock up and recording of client medications at the adult day care site and administration of medication by chore housekeepers or homemakers.~~
- 12) ~~Room temperatures too hot or too cold (adult day care).~~
- 13) ~~Water temperatures too hot (adult day care).~~
- 14) ~~Failure to protect the health, safety and welfare of a client.~~
- 2b) Type II Provider service includes violations are

## NOTICE OF PROPOSED AMENDMENTS

- ~~client-centered violations which, if not corrected, pose a potentially serious risk to the client. These violations are to be corrected within sixty-four (64) calendar days, and include:~~
- ~~1) Failure to accept referrals of new cases. EXCEPTIONS: the capacity of an adult day care facility would be exceeded by acceptance of a new client, or service required in a client's plan of care cannot be provided by the vendor in accordance with the limitations noted on the Vendor Check List and approved by the Department.~~
  - ~~2) Failure to initiate new service by the effective date (no imminent risk).~~
  - ~~3) Failure to follow the plan of care (no imminent risk).~~
  - ~~4) Failure to meet supervisory qualifications for chorehousekeeping or homemaker service.~~
  - ~~5) Failure to meet supervisor to direct service worker ratio for chore housekeeping or homemaker service.~~
  - ~~6) Failure to safeguard client information/ confidentiality.~~
  - ~~7) Failure of direct service workers to meet job qualifications and activities.~~
  - ~~8) Unmet supervisory requirements and activities, including failure to conduct home/on site visits, failure to conduct face to face worker conferences.~~
  - ~~9) Failure to cooperate in an investigation of a report of client neglect/abuse (verbal, physical, financial exploitation, theft, etc.).~~
  - ~~10) No readily accessible telephone for adult day care client use within the activity area.~~
  - ~~11) Failure to meet training requirements of chore housekeeping, homemaker and adult day care service staff.~~
  - ~~12) Failure to respond to client requests within fifteen (15) calendar days.~~
  - ~~13) No designated Community Care Program Director~~

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

(adult day care) or designated individual who has responsibility for administration of the chore housekeeping/homemaker program.

- 14) Inadequate first aid supplies (adult day care).
- 15) Failure to meet adult daily dietary requirements for the required meal (adult day care).
- 16) Daily census exceeds space requirements, and facility fails to meet space and separation requirements (adult day care) as specified in Section 240.1550(d)(1) and (2).
- 17) Lack of handicapped accessibility: entrances/vehicles/restrooms/etc. (adult day care).
- 18) Failure to meet adult day care service staff to client ratio.
- 19) Failure of adult day care staff to meet job qualifications and activities.
- 20) Type III Provider service violations are administrative violations which pose a very low risk to the client. The time frame for correction of Type III violations shall be sixty calendar days or as established in an approved work plan. Type III violations include:
  - 1) Failure to adhere to any statements in the vendor's proposal which are not specifically referred to in subsections (a) and (b) above.
  - 2) Inadequate maintenance of records which may include:
    - A) personnel records;
    - B) personnel policies;
    - C) employee files to include physical examinations;
    - D) training activities;
    - E) client records;
    - F) payment records.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

- 3) Disparity between Client Agreements Plans of Care, Hours of Service Calendars, and Vendor Requests for Payment.
- 4) Improper methods for computing/billing clients for incurred expense for care.
- 5) Inappropriate units billed.
- 6) No written job descriptions provided to employees.
- 7) Personnel policies not provided to employees.
- 8) Failure to retain financial audit trail and client related records for a five (5) year.
- 9) Failure to document all interaction with clients that affects client service or eligibility.
- 10) Failure to meet any requirements of this Part not specifically cited above.
- c) Provider service violations include, but are not limited to, violation of the following Community Care Program rules:
  - 1) Adult day care standard requirements, as specified in Section 240.1550. (I,II)
  - 2) Adult day care and in-home provider staffing requirements, as specified in Section 240.1530, 240.1540 and 240.1555. (I,II)
  - 3) Special services, as specified in Subpart J. (I,II)
  - 4) Provider administrative minimum standards and responsibilities, as specified in Section 240.1510, 240.1520 and 240.2020. (I,II,III)
  - 5) Service components, as specified in Sections 240.210, 240.220, 240.230, 240.270 and 240.280. (I,II)
  - 6) Adult day care and in-home provider staff qualifications and responsibilities, as specified in Sections 240.1535, 240.1545 and 240.1560. (I,II,III)
  - 7) Service provision requirements, as specified in



## NOTICE OF PROPOSED AMENDMENTS

Section 240.915. (I,II)

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1655 Method of Identification of Provider ServiceType  
I, II and III Vendor ViolationsThe Department will be in receipt of reported contract, proposal  
and rule violations through the following methods:

- a) Compliance reviews of contracted vendor agencies, as  
specified in Section 240.1660;
- b) Service complaints/violations, which are reported  
directly to the Department or to the Senior Helpline of  
the Department, or are referred to the Senior Helpline by  
the Department/Case Coordination Unit/provider/other; and  
or

- c) Reports from Department staff.

1) Department Administrative Compliance Reviews are  
conducted for one third (1/3) of the Community Care  
Program (CCP) contracts every eighteen (18) months.

A) The above will ensure that every CCP contract will  
undergo an Administrative Compliance Review every  
fifty four (54) months or once every four and  
one half (4 1/2) years.

B) Violations are identified on-site and classified  
according to type I, II or III violations (See  
Section 240.1650).

2) The Department reserves the right to a limited selection  
of additional specific vendors for purposes of a Depart-  
ment Administrative Review which may thus exceed the  
one third (1/3) predetermined and announced reviewed  
entities. Review of the additional vendors will be based  
upon receipt of service incident report(s)/complaint(s)/  
violation(s) as specified in subsections (a)(3) and  
(a)(4) below. These additional vendors will receive  
written prior notification of such review.

3) Service incident reports/complaints/violations shall be  
made directly to the toll free "800 Unit" of the  
Department or shall be referred to the "800 Unit" by the  
Department/Case Coordination Unit/vendor.

A) Upon receipt, the reports/complaints/violations

## NOTICE OF PROPOSED AMENDMENTS

will be logged, validated and, if valid, classified  
by violation as appropriate (See Section 240.1650).

B) Sources of reports/complaints/violations shall be:  
client/authorized representative/family/aging  
network staff/Case Coordination Units/other ven-  
dors/the Department and others.

C) Receipt of incidents may be in writing, phone calls  
or other method. Resolution shall be sought  
immediately by the "800 Unit" with assistance, as  
needed, by Department staff.

4) Accumulation of valid service incidence reports, per  
contract, may result in a special compliance review  
conducted the vendor receiving a letter warning the  
vendor of "On Notice" action to be taken by the Depart-  
ment.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1660 Compliance Reviews of Contracted Provider  
Agencies/Vendor Compliance During Contract Period

Providers under contract to the Department must comply with  
Federal, State and local laws, regulations, Department rules and  
the contract requirements. When the provider signs the contract,  
this signature shall be the provider's certification that all  
applicable laws, rules and regulations, contract requirements and  
all statements included in the Provider Proposal, shall be complied  
with. The Department shall have the authority to conduct any or  
all of the following compliance review(s) of a contracted provider  
agency at any time during the course of the provider's contract  
period. Any findings and/or contract actions resulting from a  
compliance review may be appealed (refer to Section 240.1661).

## a) Provider Compliance Review

1) The Provider Compliance Review consists of a sample  
of rules, of RFP requirements, and of cases which  
will be reviewed for compliance.

2) The Provider Compliance Review shall consist of at  
least one on-site visit.

3) If correctable non-compliance findings exist at the  
conclusion of the Provider Compliance Review, one  
or more of the contract actions specified in  
Section 240.1665 may result.

## DEPARTMENT ON AGING

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

b) Comprehensive Compliance Review

1) Upon recommendation of staff and at the direction of the Director, the Department shall conduct a Comprehensive Compliance Review which is a review of all relevant Community Care Program rules and Provider Proposal(s) to determine provider compliance.

2) The Comprehensive Compliance Review shall consist of an on-site visit.

3) If correctable non-compliance findings exist at the conclusion of the Comprehensive Compliance Review, one or more of the contract actions specified in Section 240.1665 may result.

c) Special Review

1) At the direction of the Director, the Department shall conduct a Special Review which is a targeted review of specific rules and/or cases to determine provider compliance. Circumstances under which a Special Review shall be conducted include, but are not limited to, the following:

- A) Type I provider service violation(s) have been reported (refer to Section 240.1650); and/or
- B) service complaint(s)/violation(s) have been reported (refer to Section 240.1665).

2) The Special Review shall consist of an on-site visit.

3) If correctable non-compliance findings exist at the conclusion of the Special Review, one or more of the contract actions specified in Section 240.1665 may result.

d) Financial Compliance Review

1) The Financial Compliance Review consists of verifying documentation that supports the Provider Request for Payment forms.

2) The Financial Compliance Review may or may not consist of an on-site visit.

3) If insufficient documentation is determined through

the Financial Compliance Review resulting in a finding(s), one or more of the contract actions specified in Section 240.1665 may result.

a) Vendors under contract to the Department must comply with federal, state and local laws, regulations and Department rules. When the vendor signs the contract, this signature shall be the vendor's certification that all applicable laws, rules and regulations will be complied with.

b) The Department shall verify compliance by reviewing the vendor's contract file records and by monitoring compliance reports.

1) Contract files are maintained by the Department regarding quality of service provision, technical assistance and training provided, correspondence, and day-to-day vendor activity.

2) Compliance reports from the Department's Administrative Compliance Reviews are maintained by the Department and findings are acted upon as described in Sections 240.1650 and 240.1655.

3) The Department shall have the authority to conduct an Administrative Compliance Review of a contracted vendor agency at any time during the course of the vendor's contract period for the purpose of protecting the health, safety and welfare of the clients.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

CHBPART P- VENDOR PROCUREMENT

Section 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

The Department may impose one or more of the following contract actions upon any Community Care Program (CCP) contracted provider who fails to comply with Department rules or contract requirements, including any statements made on the Provider Proposal. Contract actions include:

- a) prohibition of specified staff from serving CCP clients (imposed when the Department finds that a worker, supervisor or other designated staff fail to meet program requirements as stated in Section 240.1530 through 240.1560).



## NOTICE OF PROPOSED AMENDMENTS

- b) purchase of a limited financial compliance audit (imposed when the Department finds that a vendor has failed to adhere to the fiscal requirements specified in Part 240);
- c) suspension of referrals for up to ninety days;
- d) transfer of all or a portion of the client(s) served under the contract;
- e) training of staff;
- f) termination and transfer of all clients;
- g) requiring a review by the provider of all files and provider certification of correction;
- h) requiring the provider to contract with an outside management firm to evaluate program management and make recommendations for improvement;
- i) suspending all or a portion of a provider's payments for CCP services provided, until the action is corrected;
- j) deducting overpayments to provider from future Provider Requests for Payment;
- k) prohibiting the vendor from competing in one or more specified areas open for procurement; and/or
- l) taking any other action which the Director determines to be appropriate for the non-compliance circumstances.
- a) The Department shall impose sanctions upon any Community Care Program (CCP) contracted vendor who fails to comply with the Department rules/contract requirements (which includes the statements contained in the vendor proposal).
- b) The Department shall send a written announcement accompanied by the Compliance Review Report to the vendor by certified mail, return receipt requested. The announcement shall clearly state the nature of the non-compliance findings and contract action (refer to subsection (e) below).
- c) Contract action to be taken shall be the following:
- i) suspension of referrals for an estimated period of time, and/or

## NOTICE OF PROPOSED AMENDMENTS

- 2) transfer of client(s) or assign new worker to CCP client(s), and/or
- 3) a limited financial compliance audit, and/or
- 4) contract termination and transfer of all clients.
- d) The vendor shall be advised of the vendor's right to appeal the compliance findings and contract action. The appeal must be received by the Department on or before the tenth (10th) work date from the notification control date.
- e) Appeals shall be addressed, delivered or mailed to:
- Director  
Attention: General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, Illinois 62701.
- f) The General Counsel, together with appropriate staff of the Department, shall review the appeals and findings by a paper work review of the documentation submitted by the vendor. The review shall determine the validity of the appeals.
- i) If the non-compliance findings are determined to be invalid, the vendor's appeal shall be sustained and the findings shall be modified or expunged, in whole or in part, from the Compliance Review Report and evidence thereof placed in the vendor's file. Contract actions shall be adjusted, as appropriate.
- 2) Non compliance findings determined to be valid shall be upheld;
- 3) Results of the appeal shall be presented to the Director for action, to include contract actions as specified in subsection (c) above.
- g) The Director shall advise the vendor of the appeal decision. Notification shall be sent to the vendor by certified mail, return receipt requested, and will include any revisions to the compliance findings and/or contract action.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULE

## NOTICE OF PROPOSED RULE

1) The Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 375

3) Section Number: 375.10 Proposed Action: New Section  
375.20 New Section  
375.30 New Section  
375.40 New Section  
375.50 New Section  
375.60 New Section  
375.70 New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, par. 359(6)) and Section 6(a) of the Commissioner of Banks and Trust Companies Act (Ill. Rev. Stat. 1989, ch. 17, par. 456(a)).

5) A Complete Description of the Subjects and Issues Involved: As required by the Americans with Disabilities Act of 1990, these proposed rules establish a procedure whereby qualified persons with disabilities may resolve allegations of denial of public services on the basis of disability.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?  
Yes X No

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective: These rules will not create or expand a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

Bruce J. Baker  
 General Counsel

Commissioner of Banks and Trust Companies  
 310 South Michigan Avenue  
 Suite 2130

Chicago, Illinois 60604

## 12) Initial Regulatory Flexibility Analysis?

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: This proposed rule was not submitted to the Business Assistance Office of The Department of Commerce and Community Affairs.

B) Types of small businesses affected: Small businesses are not affected by this rule.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule begins on the next page:



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULE

TITLE 4: GRIEVANCE PROCEDURES  
CHAPTER XII: COMMISSIONER OF BANKS AND TRUST COMPANIESPART 375  
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purposes
375.10	Definitions
375.20	Procedure
375.30	Designated Coordinator Level
375.40	Final Level
375.50	Accessibility
375.60	Case-by-case Resolution
375.70	

**AUTHORITY:** Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 48(6) of the Illinois Banking Act (Ill. Rev. Stat. 1989, ch. 17, par. 359(6)) and Section 6(a) of the Commissioner of Banks and Trust Companies Act (Ill. Rev. Stat. 1989, ch. 17, par. 456(a)).

**SOURCE:** Adopted at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 375.10 Purposes

- a) This Americans with Disabilities Act Grievance Procedure ("Procedure") is established pursuant to the Americans with Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Commissioner of Banks and Trust Companies ("Agency"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Agency to foster open

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULE

communication with all individuals requesting readily accessible programs, services and activities. The Agency encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

## Section 375.20 Definitions

"Commissioner" is the Commissioner of Banks and Trust Companies.

"Complainant" is an individual with a disability who files a Grievance Form provided by the Agency under this Procedure.

"Designated Coordinator" is the person appointed by the Commissioner who is responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Agency, and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Agency, or has been subject to discrimination by the Agency.

## Section 375.30 Procedure

- a) Grievances must be submitted in accordance with the steps and time limits set forth in Sections 375.40 and 375.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULE

## NOTICE OF PROPOSED RULE

submit or appeal it to the next level of Procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the Procedure as the Agency's last response.

- c) The Agency shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

## Section 375.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.

- b) Upon request, assistance shall be provided by the Agency to complete the Grievance Form.

- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Commissioner within ten (10) business days after receipt of the Grievance Form.

## Section 375.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Commissioner for final review. The complainant shall submit these documents to the Commissioner, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

- b) The Commissioner shall appoint a 3-member panel to

review the grievance at the Final Level. One member so appointed shall be designated chairman.

- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Commissioner as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signature of the concurring panel members. A dissenting member of the panel may make a recommendation to the Commissioner in writing and shall also sign such recommendation.

- e) Upon receipt of recommendations from the panel, the Commissioner shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Commissioner's decision shall be final. If the Commissioner disapproves or modifies the Panel recommendations, the Commissioner shall include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Commissioner shall be maintained in accordance with the State Records Act, Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq., or as otherwise required by law.

## Section 375.60 Accessibility

The Agency shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

## Section 375.70 Case-by-case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PROPOSED RULE

derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Agency. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Falconry and the Captive Propagation of Raptors
- 2) CODE CITATION: 17 Ill. Adm. Code 1590
- 3) SECTION NUMBERS:

1590.50	<u>PROPOSED ACTION:</u>
1590.60	Amendments
1590.70	Amendments
1590.80	Amendments
1590.90	Amendments
1590.100	Amendments
1590.110	Amendments
1590.120	Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 335).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:  
Most of the amendments were made to include the same language used in federal regulations, thereby reducing conflicts of interpretation. Substantive changes include a requirement to mark all raptors possessed for falconry or captive propagation, a limit to the number of eyasses that can be captured by a permittee, allowing permittees to take geese by falconry methods, prohibiting the release of hybrids, and allowing the import of raptors without a special permit.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?  
No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER d: FORESTRY

## PART 1590

## FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section  
1590.10  
1590.20  
1590.30  
1590.40  
1590.50  
1590.60  
1590.70  
1590.80  
1590.90  
1590.100  
1590.110  
1590.120  
1590.130  
APPENDIX A

Establishment of Rules and Regulations  
Definitions for the Purpose of these Regulations  
Provisions of Rules and Regulations (Repealed)  
Violation of Rules (Repealed)  
Permit and License Requirements  
Examination and Application Procedures  
Inspection of Facilities and Equipment  
Falconry Permits - Class and Types  
Capturing of Raptors - Regulations  
Transfer, Temporary Care and Reporting Requirements  
Hunting Seasons for Falconers  
Special Provisions  
Violation of Rules  
Migratory Bird Acquisition and Disposition Report

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. ~~1989~~1991, ch. 8, par. 335).

SOURCE: Amendment filed November 17, 1977; effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1590.50 Permit and License Requirements

- a) It shall be unlawful for any person to take, possess, or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit has



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

been issued pursuant to these regulations or issued by another State in accordance with federal regulations (50 CFR 21, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions).

- 1) Residents - Illinois residents may hold raptors in captivity only under a falconry permit issued by the Department and the U.S. Fish and Wildlife Service.

- A) The initial fee for an Illinois Falconry Permit shall be seventy-five (\$75) dollars for three years and must be renewed every three years for a fee of seventy-five (\$75) dollars if raptors are to be possessed or held beyond the permit expiration date.

- B) All applicants must be at least 14 years of age.

- 2) Non-Residents - Federally licensed non-resident falconers may transport and possess properly marked raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any such raptor is to be brought into Illinois in excess of 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps, or permits as may be required under Illinois law.

- b) The falconry permit or a copy must be in the possession of the holder when engaged in falconry activity.

- c) No person shall transfer the falconry permit or unused markers or allow the use thereof by any other persons, nor shall any person while engaged in falconry, use or carry any permit or marker issued to another.

- d) Nothing in this Section shall prohibit a falconry permittee ~~in possession of a letter of authorization~~ the appropriate class from using the raptor of another permittee for falconry purposes on a temporary basis ~~not to exceed 30 days in accordance with Sections 1590.80 and 1590.100 of this Part.~~

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## Section 1590.60 Examination and Application Procedures

- a) Each new applicant or person whose permit has been revoked or any apprentice class permittee whose permit has expired during the eleven months following the expiration date shall be required to answer correctly at least 80% of the questions on a closed-book examination approved by the Fish and Wildlife Service and monitored by the Department on the biology and care of raptors and hunting and training techniques.

- b) Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six month waiting period from the date of the second exam is required before the examination sequence may be repeated.

- c) When a holder of a falconry permit issued by another state applies for an Illinois falconry permit, the applicant shall submit a copy of his current falconry permit and information which consists of the number of raptors possessed and the species, age, sex, date of acquisition and source of each. Provided such an applicant meets federal standards for issuance of a falconry permit (50 CFR 21.28, effective September 14, 1989), such applicant shall enter the same class or an equivalent class as held in the previous state.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1590.70 Inspection of Facilities and Equipment

- a) All applicants and falconry permit holders must provide suitable facilities for all raptors in possession.

- 1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit. Permittees who move to a new residence within the State of Illinois prior to the permit's expiration must notify the Department in writing within 5 days and request inspection of any new facilities by a representative of the Department.

- 2) All falconry permit holders are subject to inspection of raptors, eggs, or parts thereof,

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

facilities and equipment at any reasonable time.

- 3) Raptors shall be provided perches of acceptable design and be protected from excessive temperatures (heat and cold), wind, rain, or other inclement weather, from predators, and from undue disturbances.

b) Facilities shall meet the following standards:

- 1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions and each bird shall be provided enough area to allow it to fully extend its wings. There shall be adequate perches, a secure door easily closed, and at least one window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning. An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building. The weathering area shall be fenced and covered with netting or wire or roofed, except for perches more than 6 1/2 feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence.

- 2) An alternative facility must be an outdoor facility weathering area which meets the standards prescribed in Section 1590.70(b)(1). It is big enough to allow easy access for caring for the raptors, and provides adequate perches and protection from excessive sun, wind, and inclement weather for each bird housed in the facility as they do not strike the fence when flying from the perches with an enclosure big enough to protect the bird(s) from adverse elements. The enclosure must be provided with a suitable perch. This enclosure must be inside the outdoor facility.

- 3) Equipment

- A) Jesses - at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free;

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- B) Leashes and swivels - at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;
- C) Bath container - a suitable container for each raptor two to six inches deep and wider than the length of the raptor.
- D) Outdoor perches - a weathering area perch of acceptable design for each raptor; and
- E) Weighing device - a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2 ounce or 15 grams.

- 4) All facilities and equipment shall be kept at or above the preceding standards at all times.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1590.80 Falconry Permits - Class and Types

- a) Apprentice Class. An apprentice class permittee shall be at least 14 years of age. New applicants, and must serve an apprenticeship under a general or master class permittee for at least two consecutive years the first two years in which an apprentice permit is held, and may possess only one raptor - either a red-tailed hawk, kestrel or red-shouldered hawk obtained from out-of-state or from another falconer. An apprentice is limited to one replacement raptor per year. Permittees may possess no more than one raptor, and may obtain no more than one replacement raptor during any 12-month period. Permittees may possess only an American kestrel, red-tailed hawk, or red-shouldered hawk taken from the wild in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989) and this Part. Sponsors may not have more than three apprentices at any one time. An applicant may be exempted from this requirement if the applicant has proof of at least two years of licensed experience in the care of raptors and hunting and trapping techniques and approval is granted by the Department.

- b) General Class. After two years of licensed experience



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

and upon written approval by the Department, apprentice class permittees who are at least 18 years of age shall become a general class permittee. Permittees must be at least 18 years of age and have at least two years of licensed falconry experience at the apprentice class level. A general class permittee shall possess no more than two raptors, and may not obtain more than one replacement raptor per year during any 12-month period. A general class permittee shall not take, transport, or possess any golden eagle or any species or subspecies listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 14, 1989) (July 15, 1991) (no incorporation in this Part includes later amendments or editions) and the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010).

c) Master Class. After five years experience at the general class level, a permittee shall become a master class permittee. Permittees must have at least five years of licensed falconry experience at the general class level. A master class permittee shall possess no more than three raptors, and may not obtain more than two replacement raptors per year during any 12-month period. A master class permittee shall not take, transport, or possess any species or subspecies listed as endangered by the U.S. Fish and Wildlife Service and the Illinois Endangered Species Protection Board, but may possess captive-bred raptors of such species as part of the three-bird limit (50 CFR 17.7, effective January 1, 1989). A master class permittee shall not take, transport, or possess in any twelve-month period, as part of the three-bird limit, more than one raptor listed as threatened by the U.S. Fish and Wildlife Service and then only in accordance with prior written approval by the Department and the U.S. Fish and Wildlife Service. This Part and federal regulations (50 CFR 17, effective September 14, 1989). (No incorporation in this Part includes later amendments or additions). Only master class permittees may permittees may not take, transport or possess golden eagles under guidelines set forth for falconry purposes unless authorized in writing by the U.S. Fish and Wildlife Service (50 CFR 22.24, effective December 29, 1983). (No incorporation in this Part includes later amendments or additions).

1) Bald eagles, ospreys, all owls except the great horned owl, species or subspecies prohibited

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

by Section 2.4 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.4) and any species or subspecies considered endangered (or restricted due to a similarly appearing status) by the U.S. Fish and Wildlife Service may not be used or possessed for falconry in Illinois. Use of threatened species shall be in compliance with federal regulations (50 CFR 17, effective September 14, 1989).

2) Any raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 14, 1989) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a licensee from legally obtaining a bird in another state or country and bringing that bird into Illinois provided the applicable permits are obtained.

d) Upon completing the requirements needed to enter the next highest class, a falconer may submit a written request for an upgrade to the Department. The Department shall confirm the completion of all requirements and grant the request upon approval from the U.S. Fish and Wildlife Service.

e) Captive Propagation. Unless this Part is more restrictive, federal regulations (50 CFR 21.30, effective September 14, 1989) shall govern the activities of Illinois Captive Propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is seventy-five (\$75) dollars for three years and must be renewed every three years if raptors are to be possessed or held beyond the permit expiration date. A holder of an Illinois captive propagation permit must also be a holder of an Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell, or barter raptors, raptor eggs, or raptor semen in accordance with federal regulations (50 CFR 21.30, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of other jurisdictions in which these products are transferred, purchased, sold, or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under

## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

the authority of both the falconry permit and the captive propagation permit at the same time within the numerical limits for the falconry permit.

- 1) Raptors shall not be cross-bred (hybridization) unless specific authorization is granted by the Department.
- 2) Raptors may be loaned for breeding purposes in accordance with Section 1590.100 of this Part.
- 3) Markers shall be placed on all raptors used for captive propagation and all captive-produced raptors as directed by the Department or the U.S. Fish and Wildlife Service (50 CFR 21, effective September 14, 1989).

f) All raptors possessed under authority of an Illinois falconry permit must be identified by a marker. The loss or removal of any marker must be reported to the Department and the U.S. Fish and Wildlife Service (on U.S. Fish and Wildlife Service Form 3-186A) within five working days of the loss or removal. The band must be replaced by a marker provided by the Department. A U.S. Fish and Wildlife Service Form 3-186A must be filed within 5 days of receipt of the replacement marker.

g) No person may possess a bald eagle, osprey, or any owl, except great-horned owls, for falconry purposes (Ill. Rev. Stat. 1991, ch. 61, par. 2.4).

e)h) The Department shall issue special use permits in accordance with 17 Ill. Adm. Code 520.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1590.90 Capturing of Raptors - Regulations

- a) A permittee in possession of a valid "Capture Permit" may capture raptors of a non-prohibited species or subspecies. The capture season for immature raptors capable of flight (passage) and adult (haggard) kestrels and great horned owls shall be between September 1 and January 31; the capture or taking of any young bird in Illinois not yet capable of flight (eyas) is limited to general and master class permittees during the first, second, third and fourth Saturdays in March and from May

20 to June 11; permittees may take no more than two eyasses during this period. When eyasses are captured, at least one eyas shall be left in the nest. No permittee may capture any raptor without an appropriate permit from the Department to do so. The Department shall determine eligibility by compliance with the provisions of this Part. The fee for a raptor capture permit for a resident of the State of Illinois is thirty (\$30) dollars per year. The fee for a non-resident raptor capture permit is fifty (\$50) dollars per year. Such permits shall expire on January 31 of each year, and shall authorize the permittee to take up to his legal limit of raptors for possession and/or replacement. The Department will authorize up to 250 "Capture Permits" annually. Requests for capture permits in excess of 250 will be considered first in following years. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit.

1) TheA marker must be attached to theany raptor immediately upon acquisition taken in Illinois, and written notification of the State's copy of U.S. Fish and Wildlife Service form 3-186A provided to the Department within five days of capture as determined by the postmark.

2) Markers shall not be altered, counterfeited, or defaced.

3) Permit holders capturing any previously marked raptor(s) shall immediately report such trapping to the Department or the previous owner.

b) Species or subspecies not prohibited, may be imported into Illinois after obtaining a permit from the Department; this permit will be issued only after receipt by the Department of a letter of authorization or permit from the authorized agency in charge of the location from where the raptor is to be obtained. Any wild raptor listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991), provided such raptors are captured legally in another state or country, or transferred from another



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

falconer in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989), this Part, and the laws of the jurisdiction in which such raptors are obtained.

c) Any wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee from obtaining such species, provided they are captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989), this Part, and the laws of the jurisdiction in which such raptors are obtained.

d) Except as provided for in Sections 1590.50(a)(2) and 1590.50(d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of U.S. Fish and Wildlife Service Form 3-186A returned to the Department within five days after marking, as determined by the postmark.

e) Raptors taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21, effective September 14, 1989). (No incorporation in this Part includes later amendments or additions).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1590.100 Transfer, Temporary Care and Reporting Requirements

a) Permittees shall not purchase or sell any raptor except as specified in Section 1590.80(a)(4)(e) or 1590.100(f)(4)(e).

b) ~~Permittees may exchange or transfer raptors only with prior written authorization from the Department when the exchange or transfer involves interstate movement of the raptor. Permittees may exchange or transfer raptors without written authorization from the Department when the exchange or transfer occurs entirely within Illinois~~

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

~~(instate). The Department must be notified in writing of such transfers within five days on U.S. Fish and Wildlife Service form 3-186A (see APPENDIX A), as determined by the postmark.~~

e) ~~Raptors that escape, are lost, die in captivity, or whose status is otherwise changed Any change in the status of a raptor shall be reported, in writing, to the Department within five days, as determined by the postmark, on the State's copy of U.S. Fish and Wildlife Service Form 3-186A. A change in status shall include, but is not limited to, death, escape, release, theft, gift, loan, sale, transfer, capture, and re-banding. The carcasses of dead raptors shall be disposed of at the direction of the Department. Markers, and markers shall be turned over to the Department.~~

e) ~~Raptors permanently released into the wild (non-native raptors, hybrids, and golden eagles may not be permanently released in Illinois) shall be reported to the Department in writing on U.S. Fish and Wildlife Service form 186-A within five days after each release as determined by the postmark. Raptors to be released must be banded with an official U.S. Fish and Wildlife Service aluminum bird band by the Department or an authorized bird bander whenever possible and have the permanent marker removed and surrendered to the Department.~~

e) ~~Falconry permit holders of the appropriate class may temporarily care for the raptor(s) of another permittee in accordance with the following:~~

- 1) ~~For care periods not exceeding thirty days, written authorization from the permittee and U.S. Fish and Wildlife Service Form 3-186A shall accompany the raptor. The written authorization shall include the name and permit number of the permittee and name and permit number of the permit holder providing the temporary care. The written authorization shall be an original copy bearing the signature of the permittee and dated by the permittee as to when such temporary care will begin. Each raptor must be accompanied at all times by a copy of the U.S. Fish and Wildlife Service Form 3-186A (See Appendix A) which shows that the raptor was legally acquired and possessed by the owner.~~

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) ~~For care periods exceeding thirty days, the department shall be notified at least five days in advance in writing as to when the transfer will occur, the location where the raptor(s) will be, who will be caring for the raptor(s), approximately how long the raptors will be there, and the reason for temporary care. The permittee providing temporary care for the raptor(s) must possess a signed, dated letter of authorization from the owner which includes the names, addresses, and permit numbers of the owner and persons providing care, the marker number(s) of the raptor(s) which are being cared for, and the location at which the raptors will be held during the temporary care period.~~

~~§21~~ Nothing in this Section shall prohibit a falconry permittee from purchasing, selling, or bartering a captive-bred raptor provided that the transaction is in accordance with federal regulations (50 CFR 21.28, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of the jurisdiction in which the captive-bred raptor is purchased, sold, or bartered, the captive-bred raptor is of a species which may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the U.S. Fish and Wildlife Service forms).

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1590.110 Hunting Seasons for Falconers

- a) Falconers shall possess a valid hunting license, appropriate State and Federal stamps and abide by all wildlife code regulations.

b) The statewide seasons for harvesting the following game birds, game mammals, and fur-bearing mammals by falconry methods shall be:

- 1) Cock and Hen Pheasant, Bobwhite Quail, Hungarian (Gray) Partridge, Cottontail and Swamp Rabbits, Raccoon, Opossum, Skunk, Gray Fox, and Red Fox: 1 October - 31 March

- 2) Fox and Gray Squirrels: 1 August - 31 January

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- c) Seasons for harvesting the following migratory birds by falconry methods shall be in accordance with federal regulations (50 CFR 20.109, effective October 4, 1985) (no incorporation in this Part includes later amendments or editions): Snipe, Rails (Sora and Virginia), Ducks, Geese, Coot, Woodcock, Dove and Crow.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1590.120 Special Provisions

- a) Molted and salvaged feathers from birds held in captivity may be retained and exchanged by their permittees for imping purposes only.

- b) Any person convicted of illegal possession of raptors shall have his (or her) permit revoked and his (or her) raptors confiscated by the Department. The Department shall dispose of the confiscated raptor by transferring the raptor to another permittee, releasing to the wild, or destroying the raptor if it is unsuitable to be transferred or released.

- c) Convictions of any Section of this Part shall result in a period of suspension or revocation of the permittee's falconry privileges for up to 5 years by the Department, pursuant to 17 Ill. Adm. Code 2530.

- d) ~~Raptor species~~Individual raptors in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act, effective April 1973) are exempt from the possession requirements of Section 1590.60 of this Part.

- e) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17, effective September 14, 1989), and such raptor(s) were acquired prior to the enactment of these regulations or prior to listing of such bird to the Endangered Species list of Illinois or the United States, legally acquired out of state (see Section 1590.90(b)), or is the progeny of two legally held birds (see Section 1590.80~~(d)~~<sup>(e)</sup>) and Section 1590.100~~(d)~~<sup>(e)</sup>), shall be allowed to possess such raptor(s) as part of the



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

permittee's falconry permit class.

f) Nothing in this part shall prohibit the use of raptors held on a falconry permit for educational purposes.

g) Permittees in possession of an Illinois Game Breeders Permit may train raptors by using or killing pen reared game at any time.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

1) HEADING OF THE PART: Urban and Community Forestry Grant Program

2) CODE CITATION: 17 Ill. Adm. Code 1538

3) SECTION NUMBERS:  
1538.5 New Section  
1538.10 New Section  
1538.20 New Section  
1538.30 New Section  
1538.40 New Section  
1538.50 New Section  
1538.60 New Section  
1538.70 New Section  
1538.80 New Section

PROPOSED ACTION:

New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section

4) STATUTORY AUTHORITY: Implementing and authorized by the Urban Forestry Assistance Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 9301 et seq.).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:  
This administrative rule provides necessary guidelines for the enactment of the Urban Forestry Assistance Act of 1984 using federal funds provided through the urban and community forestry program.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DO THESE PROPOSED RULES CONTAIN INCORPORATIONS BY REFERENCE?  
No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?  
No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods

Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule deals with a Grant Program in which municipalities may participate voluntarily. The rulemaking does not regulate small businesses.

THE FULL TEXT OF THE PROPOSED RULES BEGINS ON THE NEXT PAGE:

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER d: FORESTRY

PART 1538  
URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Section	Purpose
1538.5	Definitions
1538.10	Eligibility
1538.20	General Information
1538.30	General Procedures
1538.40	Urban and Community Forestry Project Approval
1538.50	Eligible Urban and Community Forestry Projects
1538.60	Evaluation Priorities
1538.70	Program Information
1538.80	

**AUTHORITY:** Implementing and authorized by the Urban Forestry Assistance Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 9301 et seq.).

**SOURCE:** Adopted at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1538.5 Purpose**

The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to municipalities for the implementation of Urban Forestry Plans.

**Section 1538.10 Definitions**

- a) "Comprehensive Urban Forestry Management Document" means a written comprehensive plan describing how a municipality will protect, enhance, conserve, maintain and expand the urban and community forestry resource. This plan links together all aspects of a municipality's Urban Forestry Projects into a comprehensive document.
- b) "Equipment" means tangible items of a non-consumable nature exceeding \$100.
- c) "Urban Forestry Plan", Action Plan or project means a written plan documenting proposed action to be implemented to complete a specific project approved by the Department pursuant to this Act.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- d) "Budgeted" means the municipality has, through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Comprehensive Urban Forestry Management Document and more specifically the Urban Forestry Plan.

## Section 1538.20 Eligibility

- a) Participation in the Urban and Community Forestry Grant Program is limited to cities, villages or incorporated towns with more than 275 inhabitants.
- b) A municipality's Urban Forestry Plan must be approved by the Department of Conservation before a grant will be awarded.
- c) Municipalities must have, or during the course of this grant, shall develop and put into effect an urban and community forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the city's responsibility regarding public trees and other vegetation and to provide a legal basis for appropriating funds for urban and community forestry programs.

## Section 1538.30 General Information

- a) Grants are awarded for implementing Department approved Urban Forestry Plans. The municipality's application for a grant is evaluated based on the priorities defined in Section 1538.70.
- b) Municipalities may apply jointly for approval of Urban Forestry Plans and grants.
- c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1 - June 30).
- d) Urban Forestry Plans will be considered for funding by the Department of Conservation for two-year periods. After two years, the municipality must reapply for approval.
- e) Grants will not be awarded for the purchasing of equipment.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- f) Grant money is limited to Urban Forestry Plans for which the municipality will provide at least 50% of the cost. The municipality's share of the project cost must be budgeted at the time of application. The municipality's share of the cost may be made by contribution of in-kind service. The municipality should set forth, in the application, in detail how such contribution will be made and document in-kind contribution.
- g) A grant to any one municipality shall not exceed \$10,000 per year. Multi-community grants are encouraged. However, a cap of \$50,000 per multi-community project has been established. NOTE: The \$50,000 local match means a maximum of \$100,000 per project. Regardless of project size, one individual community can receive no more than \$10,000.
- h) The Urban and Community Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the approved Urban and Community Forestry Project and filing proper expenditure documents on forms provided by the Department.
- i) All project costs incurred before the municipality receives notice that they will receive a grant are not eligible for reimbursement.
- j) Only one application for an Urban and Community Forestry Grant can be submitted from any one municipality per year.
- k) Grants should not be used to substitute for existing urban forestry budgets, but used for new projects, programs.
- l) Documentation of expenditures by a municipality shall be subject to audit by the Department.

## Section 1538.40 General Procedures

- a) Necessary application forms are available from the Department of Conservation, Division of Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794-9225. Urban and Community Forestry grant applications shall consist of the following basic requirements:

- 1) A completed application form with a complete

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

narration of the proposed project.

- 2) A copy of the municipality's urban and community forestry ordinance.
- 3) A map of the municipality showing the location of the proposed project.
- 4) A copy of the municipality's Department or Tree Board approved Urban Forestry plan.
- 5) A document showing how the municipality has budgeted for the Urban Forestry Plan.
- 6) Other supportive documentation.

b) Applications for grant assistance must be received on or before the date posted by the Department. Municipalities will be notified as to the qualification or non-qualification of their application within 30 days of its receipt. Municipalities whose applications meet the qualifications specified in the Urban and Community Forestry Assistance Act and this Part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified communities based on their rank. Municipalities may apply for grants within dates as publicly announced for unobligated funds. These applications will be evaluated for qualification in the same way as previous applications. However, the grants will be awarded on a first serve basis.

c) Urban and Community Forestry Projects must be implemented and completed by a date mutually agreed upon by the Department and the municipality.

d) During the implementation of an Urban and Community Forestry Project, if it is necessary to make changes in scope, plans and/or specifications, the municipality shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.

e) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban and Community Forestry Project, to check progress and compliance with all applicable laws and specifications.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- f) It is the responsibility of the municipality to contact the Department to arrange the final on-site inspection prior to distribution of grant funds.
- g) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the local agency prepares and submits a billing request to the Department for reimbursement of up to 50% of the approved project costs. Approved project costs are those that were budgeted for in the municipality's budget and included in the Department-approved Urban Forestry Plan.
- h) Municipalities that do not meet the objectives or provide adequate documentation will not receive grant funds.

## Section 1538.50 Urban and Community Forestry Project Approval

a) A municipality or its representative may develop an Urban Forestry Project and submit it to the Department of Conservation, Division of Forest Resources along with the application for approval. The Urban Forestry Project shall include:

- 1) Information about the community such as its previous urban and community forestry programs and the importance of urban forestry to the community.
- 2) a narrative relating the importance of urban and community forestry in the community to the objectives of the Urban Forestry Project.
- 3) A list of tangible objectives such as, number of trees to be planted, number of people to be trained, etc.
- 4) A narrative describing the proposed projects and actions.
- 5) A narrative explaining how the proposed projects and actions will meet the objectives of the community.
- 6) A statement describing how the project will promote a community urban and community forestry program on a long-term basis.
- 7) An itemized budget for the proposed project.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- b) Any municipality whose project is not approved may appeal to the Regional Review Committee pursuant to 17 Illinois Administrative Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager. The appeal must be made within 30 days from the date that the plan or practice was not approved.

**Section 1538.60 Eligible Urban and Community Forestry Projects**  
Grant Assistance may be obtained for, but not limited to the following which are not necessarily items listed in priority order:

- a) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department of Conservation-approved Urban Forestry Project
- b) The development of a comprehensive Urban Forestry Management Document.
- c) The establishment of a tree board and street tree ordinance.
- d) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- e) The training of municipal employees in tree care practices such as pruning, fertilizing, cabling and bracing.
- f) Urban and community forestry educational and appreciation programs for the general public.
- g) The removal of hazardous, nuisance and dead trees from public property.
- h) Tree planting demonstration on public owned or controlled property.
- i) The control of tree insect and disease agents.
- j) The establishment or development of a tree ordinance.

- 1) The ordinance must indicate the need for the urban and community forestry program. For instance, the

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

health, safety and welfare of the community's residents and the beauty of the community are two examples indicating need.

- 2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility of implementing Urban and Community Forestry Plans. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.
- 3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's Pruning Standards for Shade Trees, available from the National Arborist Association, Post Office Box 1094, Amherst, NH 03031-1094.
- 4) The ordinance must define who has the authority to plant and maintain trees on public property.
- 5) The ordinance should contain a provision for the removal of hazardous or diseased trees from private property.

**Section 1538.70 Evaluation Priorities**

- a) Awarding of urban and community forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select Urban Forestry Projects for grant funding. No special priority is given to any of the following items.
  - 1) The need for the development of a comprehensive Urban Forestry Management Document as indicated by documented public support.
  - 2) The need for the proposed Urban and Community Forestry Project as documented by comprehensive Urban Forestry Management Document, a comprehensive plan or other long-range planning document.
  - 3) The need for the Urban and Community Forestry Project as indicated by public support.





## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Internal Security Standard and Fidelity Bonds
- 2) Code Citation: 50 Ill. Adm. Code 904
- 3) Section Numbers: 904.30  
Proposed Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1013).
- 5) Description of the Subjects and Issues Involved: This amendment will allow an exception to the requirement for dual signatures on checks issued by insurance companies in amounts of \$5,000 or more but less than \$20,000. This allowance is subject to authorization by the Board of Directors, documentation of those authorized to sign with approved limits for each, and audited verification of compliance.
- 6) Will this proposed rule replace emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditure from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kirk H. Petersen  
Assistant Chief Counsel  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
 CHAPTER I: DEPARTMENT OF INSURANCE  
 SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 904  
 INTERNAL SECURITY STANDARD AND FIDELITY BONDS

## Section

- 904.5 Authority and Purpose
- 904.10 Registration of Securities
- 904.20 Custody, Care and Disposition of Securities
- 904.30 Signature of Checks - Facsimile Signatures
- 904.40 Bank Balance Verification
- 904.50 Bond Requirements

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013).

SOURCE: Filed October 15, 1971. Amended at 2 Ill. Reg. 29, p. 161, effective July 17, 1978; codified at 6 Ill. Reg. 12461; amended at \_\_\_ Ill. Reg. \_\_\_, effective

## Section 904.30 Signature of Checks - Facsimile Signatures

- a) All checks, except as hereinafter provided, issued for the disbursement of funds belonging to such company shall require the signature of at least two officers or employees of the company who shall have been so authorized by the Board of Directors of such company. Checks in amounts less than \$5,000 may, if, and to the extent, authorized by the Board, be issued without such dual signatures if the procedure to be followed pursuant to such authorization requires an officer or employee other than the authorized signer, to approve such payment prior to the issuance of such check. This dual signature requirement shall not apply to drafts.

- 1) Checks in amounts less than \$5,000 may, if, and to the extent, authorized by the Board, be issued without such dual signatures if the procedure to be followed pursuant to such authorization requires an officer or employee, other than the authorized signer, to approve such payment prior to the issuance of such check.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 2) Checks for payment of claims only, in amounts of \$5,000 or more and less than \$20,000 may, if, and to the extent, authorized by the Board, be issued without such dual signatures provided the requirements of subsection (a)(1) above are met, and further provided that:

A) The company has prepared a list of authorized signers by name or job classification with approved limits of authority for each authorized signer. This list must be approved by the Board and a copy must be kept on file and available for review by Department examiners.

B) Verification of compliance with these procedures must be documented by the company's outside independent certified public accountants or the internal audit staff of the company, provided such staff report directly to an audit committee appointed by the Board of Directors. This compliance review must be performed annually.

- b) Facsimile signatures may be affixed to checks or drafts if such procedure has been authorized by the Board of Directors and adequate controls over the use of such signatures have been established. Control procedures shall be reduced to writing and shall provide for written approval of the disbursement of funds by officers or employees other than those affixing such facsimile signatures, for supervision and policing of the machines or appliances used for affixing such signatures and for the recording of checks and drafts to which such signatures have been affixed. Written control procedures shall be kept on file and available for review by examiners.

\*-Note:--Illinois-will-not-accept-"bearer"-securities-as-a-part of-a-company's-deposit:

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: STATUS SIGNALS FOR NUCLEAR POWER REACTORS
- 2) Code Citation: 32 Ill. Adm. Code 504
- 3) Section Numbers:

504.10	<u>Proposed Action:</u>
504.20	New Section
504.30	New Section
504.40	New Section
504.50	New Section
504.60	New Section
504.70	New Section
- 4) Statutory Authority: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 4308).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking requires owners and operators of nuclear power stations in Illinois to provide the Department with computer status signals from points monitored via each station's computers. Sufficient flexibility has been written into this rulemaking to accommodate variations in equipment and points monitored at the various power stations in the State, and to also accommodate the ongoing upgrading of computer related equipment used at the various power stations. Such flexibility will help ensure that status signals will be provided for incorporation into the Department's remote effluent monitoring system in an efficient and cost effective manner.
- 6) Will this proposed rule replace an emergency rule current in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:  
  
Lyle Black  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-0770 (voice)  
(217) 785-9900 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 5, 1992
  - B) Types of small businesses affected: Not applicable.
  - C) Reporting, bookkeeping or other procedures required for compliance: Each owner and operator affected by this rulemaking will for each nuclear power station maintain a list (Station Catalogue) of all points that are electronically monitored by the power station computer(s). Each owner and operator will be required to continuously transmit to the Department data from a subset of monitored points periodically selected by the Department. The Department will have the opportunity to specify at six month intervals changes to the subset of points being transmitted and the owner and operator will be responsible for transmitting the points so specified. The owner and operator will be responsible for necessary bookkeeping and procedures necessary to provide the Department periodically with changes to the Station Catalogue and will be responsible for maintaining transmission of the departmentally specified points to the Department's modem. Each owner and operator will be required to establish a point of technical contact to provide technical information to the Department regarding reactor status during equipment failures.
  - D) Types of professional skills necessary for compliance: Computer expertise, knowledge of nuclear power station computers, and extensive knowledge of nuclear power stations will be necessary for compliance.

The full text of the Proposed Rule begins on the next page.

## DEPARTMENT OF NUCLEAR SAFETY

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED RULES

## NOTICE OF PROPOSED RULES

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER C: NUCLEAR FACILITY SAFETY

- e) For any nuclear power reactor providing an RDL, the owner shall continue to transmit a System Status Signals Catalogue after the License to Operate is no longer maintained and until such time that all fuel is removed from the site or until the owner no longer possesses the capability to supply such data.

PART 504  
STATUS SIGNALS FOR NUCLEAR POWER REACTORS

## Section 504.20 Definitions

Section  
504.10  
504.20  
504.30  
504.40  
504.50  
504.60  
504.70

Policy and Scope  
Definitions  
Protocol for Data Transmissions  
Equipment  
Updating Station Catalogues and System Status Signals Catalogues  
Implementation of System Status Signals Catalogue  
Availability

As used in this Part, the following definitions will apply:

"Communication Link" means the telephone line or other connection between the Department supplied modem on the owner's premises to the Department's headquarters in Springfield, Illinois.

"Department" means the Illinois Department of Nuclear Safety.

AUTHORITY: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1989, ch. 111½, par. 4308).

SOURCE: Adopted at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 504.10 Policy and Scope

- a) The Department of Nuclear Safety (Department) has the responsibility under State law to acquire from each nuclear power reactor in the State all system status signals which initiate Emergency Action Level Declarations, actuate accident mitigation and provide mitigation verification, including indications of operating power levels.
- b) Signals shall be provided by each owner in a manner that assures availability to the Department during all modes of reactor operation (including defueled conditions) as well as throughout accidents and subsequent recovery operations.
- c) This Part provides the criteria and requirements under which each owner of a nuclear power reactor shall transmit to the Department a System Status Signals Catalogue for the reactor via a Reactor Data Link (RDL).
- d) This Part shall apply to all owners. For any nuclear power reactor for which no License to Operate has been issued by the United States Nuclear Regulatory Commission on the effective date of this Part, a System Status Signals Catalogue shall be transmitted by the owner to the Department prior to commencing initial fuel load.

"Owner" means the owner and operator of the nuclear power reactor.

"Point" means the system parameter being monitored.

"RDL" means the Reactor Data Link for a reactor. The RDL includes the entire system by which the owner provides and the Department receives a System Status Signals Catalogue at the Department's headquarters in Springfield, Illinois.

"RDL outage" means any breakdown in the RDL that prevents the normal continuous data transmission of the System Status Signals Catalogue to the Department's headquarters in Springfield, Illinois.

"Reactor" means a nuclear power reactor.

"Station Catalogue" means the complete and inclusive list of all computer monitored points available for transmission from a nuclear power station from which the System Status Signals Catalogue for each reactor is chosen.

"Station Computer" means the computer or computers which collect and transfer data to the Department's modems.

"System Status Signals Catalogue" means the points selected by the Department from the Station Catalogue to be transmitted over the Communications Link. A System Status Signals Catalogue is selected for each reactor.



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED RULES

## Section 504.30 Protocol for Data Transmissions

Communications protocol; data representation and data transmission frequency for the System Status Signals Catalogue shall be established and/or changed by mutual consent of the Department and the owner subject to the conditions that the owner shall provide signals to the Department in a manner and at a frequency that allows the Department to incorporate the signals into and augment the Department's remote effluent monitoring system.

## Section 504.40 Equipment

- a) The Department shall provide a modem to the owner and shall establish a Communication Link. All Department owned equipment shall be maintained by the Department.
- b) Departmental personnel and agents shall have access to all Departmental equipment located at the nuclear station site, subject to any security requirements imposed by law, regulation, or normal security practices of the owner including Fitness-For-Duty requirements.
- c) The owner shall provide and maintain necessary hardware and software at its reactor site to communicate via the Department supplied modem.

## Section 504.50 Updating Station Catalogues and System Status Signals Catalogues

- a) For each point included in the Station Catalogue, the Station Catalogue shall contain, as a minimum, the name of the point; a description of each parameter (point) measured, sensed or calculated; the units of measure for analog points; the state indication for digital points, e.g., open or closed, on or off; and the type of point, e.g., analog or digital.
- b) On the effective date of this Part, the Department will consider the current Station Catalogue for each nuclear power station to be the most recent Station Catalogue that was provided the Department pursuant to the prerulemaking arrangement between the owner and the Department.
- c) The owner shall provide the Department an updated Station Catalogue for each nuclear power station at 180 day intervals. In the event that the Station Catalogue remained unchanged, the owner shall notify the Department that no changes were made in lieu of providing an updated Station Catalogue. The end of each 180 day interval shall be consistent with the end of the prerulemaking 180

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED RULES

day interval already in effect for the owner under the prerulemaking arrangement between the owner and the Department. The Department may lengthen the Station Catalogue submission interval at any time.

- d) Within 14 calendar days of receipt of an updated Station Catalogue, the Department shall provide the owner with notice of any changes to the System Status Signals Catalogue(s).
- e) The Department shall select points for the System Status Signals Catalogue from the updated Station Catalogue using the following criteria:
  - 1) those points by which the off-site radiological consequences can be determined;
  - 2) those points by which challenges to, and failures of, the clad, the primary boundary, and the containment structures can be determined;
  - 3) those points by which short and long-term decay heat removal capabilities can be determined; or
  - 4) those points by which on and off-site station electrical power status can be determined.

## Section 504.60 Implementation of System Status Signals Catalogue

Except as provided in this Section, the owner shall coordinate the transmission of a new System Status Signals Catalogue no later than 14 calendar days after receiving the notice provided for in Section 504.50(d). If the owner determines that it cannot transmit the new System Status Signals Catalogue in the 14 calendar day period, the owner shall prior to the expiration of the 14 calendar day goal apply in writing to the Department for an extension of time to transmit the new System Status Signals Catalogue.

- a) A written request to extend the time for implementation shall include an estimate of the amount of time needed by the owner to begin transmitting the new System Status Signals Catalogue and the reasons why the additional time is needed for implementation.
- b) Timely submittal to the Department of a written request described in subsection (a) will result in an automatic 14 day extension of the time for implementation by the owner.

## DEPARTMENT OF NUCLEAR SAFETY

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## NOTICE OF PROPOSED AMENDMENT

## Section 504.70 Availability

- a) Each owner shall transmit a System Status Signals Catalogue for each reactor over a Communications Link continuously 24 hours a day during all modes of reactor operation (including defueled conditions) as well as throughout accident and subsequent recovery operations, except during planned station computer and RDL system outages or unplanned station computer and RDL system outages beyond the control of the owner. The owner shall establish measures to assure that unplanned RDL system outages are promptly identified and corrected and that the root cause of the RDL outage is determined and corrective action taken to preclude repetition where appropriate.
- b) In the event of an RDL outage, or station computer outage, the owner, when required by the Department, shall establish a point of technical contact with the Department to communicate reactor status information until the RDL is restored.
- c) In the event of a planned or unplanned station computer outage, data transmission to the Department shall be restored as soon as possible after the station computer's return to service.
- d) The Department's access to the System Status Signals Catalogue shall not be intentionally degraded by the owner's computer usage unless such usage is necessary to protect public health and safety as required under the Nuclear Regulatory Commission license, and the degradation of access cannot be avoided.

- 1) Heading of the Part: Organic Material Emission Standards and Limitations
- 2) Code Citation: 35 Ill. Adm. Code 215
- 3) Section Numbers: Proposed Action:  
215.123 Amend  
215.583 Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1010, 1027, 1028, and 1028.2.
- 5) A Complete Description of the Subjects and Issues Involved:  
The proposed amendments to section 215.583 is part of a plan to meet the State's obligation to provide for the implementation, maintenance, and enforcement of Stage II gasoline vapor recovery rules as required by the Clean Air Act Amendments of 1990. The Illinois Environmental Protection Agency has certified that this rulemaking is a "required rule" pursuant to Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1018.2), and the Board has accepted that certification. The proposed amendment to Section 215.123 is a correction to an incorporation by reference.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203(b)).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

include the docket number, R91-30, on all comments. Also send copies of comments to:

Kathleen C. Bassi

IEPA

2200 Churchill Road

PO Box 19276

Springfield IL 62794-9276

William Denham

ENR

325 W. Adams St., Room 300

Springfield IL 62704

Additionally, two public hearings have been scheduled on this proposal. Dates, times, and locations are:

Monday, March 30, 1992

9:30 a.m.

Room 9-031

State of Illinois Center

100 West Randolph Street

Chicago, IL

Thursday, April 2, 1992

9:30 a.m.

Classroom

Illinois Department of

Transportation

1100 Eastport Plaza

Collinsville, IL

Persons wishing to testify at either hearing should contact the hearing officer, Michelle C. Dresdow, at (815) 753-0947.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:  
February 27, 1992

B) Types of small businesses affected: The changes to part 215 involve only an addition to the title of Section 215.583, and a change in the incorporation by reference citation form in Section 215.123. Therefore, no small businesses are affected by the changes to part 215. Related parts 218 and 219 contain proposed changes which may affect small gasoline dispensing facilities with an average monthly throughput of 10,000 gallons or more. Interested persons are referred to the separate notices pertaining to parts 218 and 219.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance:  
None.

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR  
STATIONARY SOURCES

## PART 215

## ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

## SUBPART A: GENERAL PROVISIONS

Section	Introduction
215.100	Clean-up and Disposal Operations
215.101	Testing Methods
215.102	Abbreviations and Conversion Factors
215.103	Definitions
215.104	Incorporations by Reference
215.105	Afterburners
215.106	Determination of Applicability
215.107	Measurement of Vapor Pressures
215.108	Monitoring for Negligibly-Reactive Compounds
215.109	

## SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	Storage Containers
215.121	Loading Operations
215.122	Petroleum Liquid Storage Tanks
215.123	External Floating Roofs
215.124	Compliance Dates and Geographical Areas
215.125	Compliance Plan
215.126	Emissions Testing
215.127	Measurement of Seal Gaps
215.128	

## SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Separation Operations
215.141	Pumps and Compressors
215.142	Vapor Blowdown
215.143	Safety Relief Valves
215.144	

## SUBPART E: SOLVENT CLEANING

Section

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

215.181  
215.182  
215.183  
215.184  
215.185

Solvent Cleaning in General  
Cold Cleaning  
Open Top Vapor Degreasing  
Conveyorized Degreasing  
Compliance Plan

## SUBPART F: COATING OPERATIONS

Section  
215.202  
215.204  
215.205  
215.206  
215.207  
215.208  
215.209  
215.210  
215.211  
215.212  
215.213  
215.214  
215.215

Compliance Schedules  
Emission Limitations for Manufacturing Plants  
Alternative Emission Limitations  
Exemptions from Emission Limitations  
Compliance by Aggregation of Emission Sources  
Testing Methods for Volatile Organic Material Content  
Exemption from General Rule on Use of Organic Material  
Alternative Compliance Schedule  
Compliance Dates and Geographical Areas  
Compliance Plan  
Special Requirements for Compliance Plan  
Roadmaster Emissions Limitations  
DMI Emissions Limitations

## SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

Section  
215.240  
215.241  
215.245  
215.249

Applicability  
External Floating Roofs  
Flexographic and Rotogravure Printing  
Compliance Dates

## SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

Section  
215.260  
215.261  
215.263  
215.264  
215.267

Applicability  
Petition  
Public Hearing  
Board Action  
Agency Petition

## SUBPART K: USE OF ORGANIC MATERIAL

Section  
215.301  
215.302  
215.303

Use of Organic Material  
Alternative Standard  
Fuel Combustion Emission Sources

215.304  
215.305

Operations with Compliance Program  
Viscose Exemption (Repealed)

## SUBPART N: VEGETABLE OIL PROCESSING

Section  
215.340  
215.342  
215.344  
215.345  
215.346  
215.347

Hexane Extraction Soybean Crushing  
Hexane Extraction Corn Oil Processing  
Recordkeeping For Vegetable Oil Processes  
Compliance Determination  
Compliance Dates and Geographical Areas  
Compliance Plan

## SUBPART P: PRINTING AND PUBLISHING

Section  
215.401  
215.402  
215.403  
215.404  
215.405  
215.406  
215.407  
215.408  
215.409  
215.410

Flexographic and Rotogravure Printing  
Exemptions  
Applicability of Subpart K  
Testing and Monitoring (Repealed)  
Compliance Dates and Geographical Areas  
Alternative Compliance Plan  
Compliance Plan  
Heatset Web Offset Lithographic Printing  
Testing Methods for Volatile Organic Material Content  
Emissions Testing

## SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

Section  
215.420  
215.421  
215.422  
215.423  
215.424  
215.425  
215.426  
215.427  
215.428  
215.429  
215.430  
215.431  
215.432  
215.433  
215.434  
215.435

Applicability  
General Requirements  
Inspection Program Plan for Leaks  
Inspection Program for Leaks  
Repairing Leaks  
Recordkeeping for Leaks  
Report for Leaks  
Alternative Program for Leaks  
Compliance Dates  
Compliance Plan  
General Requirements  
Inspection Program Plan for Leaks  
Inspection Program for Leaks  
Repairing Leaks  
Recordkeeping for Leaks  
Report for Leaks



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

215.436 Alternative Program for Leaks  
 215.437 Open-Ended Valves  
 215.438 Standards for Control Devices  
 215.439 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED  
 INDUSTRIES; ASPHALT MATERIALS

Section  
 215.441 Petroleum Refinery Waste Gas Disposal  
 215.442 Vacuum Producing Systems  
 215.443 Wastewater (Oil/Water) Separator  
 215.444 Process Unit Turnarounds  
 215.445 Leaks: General Requirements  
 215.446 Monitoring Program Plan for Leaks  
 215.447 Monitoring Program for Leaks  
 215.448 Recordkeeping for Leaks  
 215.449 Reporting for Leaks  
 215.450 Alternative Program for Leaks  
 215.451 Sealing Device Requirements  
 215.452 Compliance Schedule for Leaks  
 215.453 Compliance Dates and Geographical Areas

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section  
 215.461 Manufacture of Pneumatic Rubber Tires  
 215.462 Green Tire Spraying Operations  
 215.463 Alternative Emission Reduction Systems  
 215.464 Emission Testing and Monitoring  
 215.465 Compliance Dates and Geographical Areas  
 215.466 Compliance Plan  
 215.467 Testing Methods for Volatile Organic Material Content

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section  
 215.480 Applicability of Subpart T  
 215.481 Control of Reactors, Distillation Units, Crystallizers,  
 Centrifuges and Vacuum Dryers  
 215.482 Control of Air Dryers, Production Equipment Exhaust  
 Systems and Filters  
 215.483 Material Storage and Transfer  
 215.484 In-Process Tanks  
 215.485 Leaks  
 215.486 Other Emission Sources  
 215.487 Testing

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

215.488 Monitors for Air Pollution Control Equipment  
 215.489 Recordkeeping (Renumbered)  
 215.490 Compliance Schedule (Renumbered)

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

Section  
 215.500 Exceptions  
 215.510 Coke By-Product Recovery Plants  
 215.512 Coke By-Product Recovery Plant Leaks  
 215.513 Inspection Program  
 215.514 Recordkeeping Requirements  
 215.515 Reporting Requirements  
 215.516 Compliance Dates  
 215.517 Compliance Plan

SUBPART V: AIR OXIDATION PROCESSES

Section  
 215.520 Applicability  
 215.521 Definitions  
 215.525 Emission Limitations for Air Oxidation Processes  
 215.526 Testing and Monitoring  
 215.527 Compliance Date

SUBPART W: AGRICULTURE

Section  
 215.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section  
 215.561 Architectural Coatings  
 215.562 Paving Operations  
 215.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section  
 215.581 Bulk Gasoline Plants  
 215.582 Bulk Gasoline Terminals  
 215.583 Gasoline Dispensing Facilities - Storage Tank Filling  
 Operations  
 215.584 Gasoline Delivery Vessels  
 215.585 Gasoline Volatility Standards  
 215.586 Emissions Testing

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

## SUBPART Z: DRY CLEANERS

Section  
 215.601 Perchloroethylene Dry Cleaners  
 215.602 Exemptions  
 215.603 Leaks  
 215.604 Compliance Dates and Geographical Areas  
 215.605 Compliance Plan  
 215.606 Exception to Compliance Plan  
 215.607 Standards for Petroleum Solvent Dry Cleaners  
 215.608 Operating Practices for Petroleum Solvent Dry Cleaners  
 215.609 Program for Inspection and Repair of Leaks  
 215.610 Testing and Monitoring  
 215.611 Exemption for Petroleum Solvent Dry Cleaners  
 215.612 Compliance Dates and Geographical Areas  
 215.613 Compliance Plan  
 215.614 Testing Method for Volatile Organic Material Content of Wastes  
 215.615 Emissions Testing

## SUBPART AA: PAINT AND INK MANUFACTURING

Section  
 215.620 Applicability  
 215.621 Exemption for Waterbase Material and Heatset Offset Ink  
 215.622 Permit Conditions  
 215.623 Open-top Mills, Tanks, Vats or Vessels  
 215.624 Grinding Mills  
 215.625 Leaks  
 215.628 Clean Up  
 215.630 Compliance Date  
 215.636

## SUBPART BB: POLYSTYRENE PLANTS

Section  
 215.875 Applicability of Subpart BB  
 215.877 Emissions Limitation at Polystyrene Plants  
 215.879 Compliance Date  
 215.881 Compliance Plan  
 215.883 Special Requirements for Compliance Plan  
 215.886 Emissions Testing

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section  
 215.920 Applicability

215.923 Permit Conditions  
 215.926 Control Requirements

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section  
 215.940 Applicability  
 215.943 Permit Conditions  
 215.946 Control Requirements

## SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section  
 215.960 Applicability  
 215.963 Permit Conditions  
 215.966 Control Requirements

215. Appendix A: Rule Into Section Table  
 215. Appendix B: Section Into Rule Table  
 215. Appendix C: Past Compliance Dates

215. Appendix D: List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing  
 215. Appendix E: Reference Methods and Procedures  
 215. Appendix F: Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1027).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5 at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 15 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-30 at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 215.123 Petroleum Liquid Storage Tanks

- a) The requirements of subsection (b) shall not apply to any stationary storage tank:
- 1) Equipped before January 1, 1979 with one of the vapor loss control devices specified in Section 215.121(b), except Section 215.121(b)(1);
  - 2) With a capacity of less than 151.42 cubic meters;
  - 3) With a capacity of less than 1,600 cubic meters (422,400 gallons) and used to store produced crude oil and condensate prior to custody transfer;
  - 4) With a capacity of less than 1,430 cubic meters (378,000 gallons) and used to store produced oil or condensate in crude oil gathering;
  - 5) Subject to new source performance standards for storage vessels of petroleum liquid, 40 CFR 60, as regulations promulgated by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act (42 USC 7411), as amended incorporated by reference in Section 215.105. THE PROVISIONS OF SECTION 111 OF THE CLEAN AIR ACT...RELATING TO

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES...ARE APPLICABLE IN THIS STATE AND ARE ENFORCEABLE UNDER [THE ENVIRONMENTAL PROTECTION ACT]. (ILL. REV. STAT., CH. 111½, PAR. 1009.1(b)).

- 6) In which volatile petroleum liquid is not stored; or
  - 7) Which is a pressure tank as described in Section 215.121(a).
- b) Subject to subsection (a) no owner or operator of a stationary storage tank shall cause or allow the storage of any volatile petroleum liquid in the tank unless:
- 1) The tank is equipped with one of the vapor loss control devices specified in Section 215.121(b);
  - 2) There are no visible holes, tears or other defects in the seal or any seal fabric or material of any floating roof;
  - 3) All openings of any floating roof deck, except stub drains, are equipped with covers, lids or seals such that:
    - A) The cover, lid or seal is in the closed position at all times except when petroleum liquid is transferred to or from the tank;
    - B) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports; and
    - C) Rim vents, if provided, are set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting;
  - 4) Routine inspections of floating roof seals are conducted through roof hatches once every six months;
  - 5) A complete inspection of the cover and seal of any floating roof tank is made whenever the tank is

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

emptied for reasons other than the transfer of petroleum liquid during the normal operation of the tank, or whenever repairs are made as a result of any semiannual inspection or incidence of roof damage or defect; and

- 6) A record of the results of each inspection conducted under subsection (b)(4) or (b)(5) is maintained.

- c) Owners and operators of petroleum liquid storage tanks were required to have compliance schedules as summarized in Appendix C.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART Y: GASOLINE DISTRIBUTION

## Section 215.583

Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b), no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:

- 1) The tank is equipped with a submerged loading pipe; and
- 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

- A) A vapor collection system that meets the requirements of subsection (d)(4); or
- B) A refrigeration-condensation system or any other system approved by the Agency that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and.
- C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 215.584(b) or (d).

- b) The requirements of subsection (a)(2) shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:

- 1) The tank is equipped with a floating roof or other system of equal or better emission control as approved by the Agency;
- 2) The tank has a capacity of less than 2000 gallons and is in place and operating before January 1, 1979;
- 3) The tank has a capacity of less than 575 gallons; or
- 4) The tank is not located in any of the following counties: Boone, Peoria, Rock Island, Tazewell, or Winnebago.

- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:

- 1) Install all control systems and make all process modifications required by subsection (a);
- 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
- 3) Repair, replace or modify any worn out or malfunctioning component or element of design.

- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:

- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
- 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
- 3) Maintain gauges, meters or other specified testing devices in proper working order;



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
- A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
- B) Avoidable leaks of liquid during the filling of storage tanks; and
- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in Appendix C.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area.
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Numbers: Proposed Action:  
218.583 Amend  
218.586 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1010, 1027, 1028, and 1028.2.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are part of a plan to meet the State's obligation to provide for the implementation, maintenance, and enforcement of Stage II gasoline vapor recovery rules as required by the Clean Air Act Amendments of 1990. The Illinois Environmental Protection Agency has certified that this rulemaking is a "required rule" pursuant to Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1018.2), and the Board has accepted that certification.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203(b)).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please include the docket number, R91-30, on all comments. Also send copies of comments to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Kathleen C. Bassi  
IEPA  
2200 Churchill Road  
PO Box 19276  
Springfield IL 62794-9276

William Denham  
ENR  
325 W. Adams St., Room 300  
Springfield IL 62704

Additionally, two public hearings have been scheduled on this proposal. Dates, times, and locations are:

Monday, March 30, 1992	Thursday, April 2, 1992
9:30 a.m.	9:30 a.m.
Room 9-031	Classroom
State of Illinois Center	Illinois Department of
100 West Randolph Street	Transportation
Chicago, IL	1100 Eastport Plaza
	Collinsville, IL

Persons wishing to testify at either hearing should contact the hearing officer, Michelle C. Dresdow, at (815) 753-0947.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:  
February 27, 1992
- B) Types of small businesses affected: Gasoline dispensing facilities with an average monthly throughput of 10,000 gallons or more.
- C) Reporting, bookkeeping or other procedures required for compliance: Records regarding installation and maintenance of Stage II equipment and throughput.
- D) Types of professional skills necessary for compliance:  
None.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218  
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS  
FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Clean-up and Disposal Operations
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvents
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
218.121	Storage Containers
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART E: SOLVENT CLEANING

## Section

218.181 Solvent Cleaning in General  
 218.182 Cold Cleaning  
 218.183 Open Top Vapor Degreasing  
 218.184 Conveyorized Degreasing  
 218.185 Compliance Schedule  
 218.186 Test Methods

## SUBPART F: COATING OPERATIONS

## Section

218.204 Emission Limitations for Manufacturing Plants  
 218.205 Daily-Weighted Average Limitations  
 218.206 Solids Basis Calculation  
 218.207 Alternative Emission Limitations  
 218.208 Exemptions from Emission Limitations  
 218.209 Exemptions from General Rule on Use of Organic Material  
 218.210 Compliance Schedule  
 218.211 Recordkeeping and Reporting

## SUBPART G: USE OF ORGANIC MATERIAL

## Section

218.301 Use of Organic Material  
 218.302 Alternative Standard  
 218.303 Fuel Combustion Emission Sources  
 218.304 Operations with Compliance Program

## SUBPART H: PRINTING AND PUBLISHING

## Section

218.401 Flexographic and Rotogravure Printing  
 218.402 Applicability  
 218.403 Compliance Schedule  
 218.404 Recordkeeping and Reporting  
 218.405 Heatset Web Offset Lithographic Printing

## SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

## Section

218.421 General Requirements  
 218.422 Inspection Program Plan for Leaks  
 218.423 Inspection Program for Leaks  
 218.424 Repairing Leaks

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

218.425 Recordkeeping for Leaks  
 218.426 Report for Leaks  
 218.427 Alternative Program for Leaks  
 218.428 Open-ended Valves  
 218.429 Standards for Control Devices  
 218.430 Compliance Date

## SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

## Section

218.441 Petroleum Refinery Waste Gas Disposal  
 218.442 Vacuum Producing Systems  
 218.443 Wastewater (Oil/Water) Separator  
 218.444 Process Unit Turnarounds  
 218.445 Leaks: General Requirements  
 218.446 Monitoring Program Plan for Leaks  
 218.447 Monitoring Program for Leaks  
 218.448 Recordkeeping for Leaks  
 218.449 Reporting for Leaks  
 218.450 Alternative Program for Leaks  
 218.451 Sealing Device Requirements  
 218.452 Compliance Schedule for Leaks  
 218.453 Compliance Dates

## SUBPART T: PHARMACEUTICAL MANUFACTURING

## Section

218.461 Manufacture of Pneumatic Rubber Tires  
 218.462 Green Tire Spraying Operations  
 218.463 Alternative Emission Reduction Systems  
 218.464 Emission Testing  
 218.465 Compliance Dates  
 218.466 Compliance Plan

## SUBPART U: APPLICABILITY OF SUBPART T

## Section

218.480 Applicability of Subpart T  
 218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers  
 218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters  
 218.483 Material Storage and Transfer  
 218.484 In-Process Tanks  
 218.485 Leaks  
 218.486 Other Emission Sources

## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

218.487 Testing  
 218.488 Monitoring and Recordkeeping for Air Pollution Control Equipment  
 218.489 Recordkeeping for Air Pollution Control Equipment

218.608 Operating Practices for Petroleum Solvent Dry Cleaners  
 218.609 Program for Inspection and Repair of Leaks  
 218.610 Testing and Monitoring  
 218.611 Exemption for Petroleum Solvent Dry Cleaners  
 218.612 Compliance Dates  
 218.613 Compliance Plan

## SUBPART V: AIR OXIDATION PROCESSES

Section  
 218.521 Definitions  
 218.525 Emission Limitations for Air Oxidation Processes  
 218.526 Testing and Monitoring  
 218.527 Compliance Date

## SUBPART AA: PAINT AND INK MANUFACTURING

Section  
 218.620 Applicability  
 218.621 Exemption for Waterbase Material and Heatset Offset Ink  
 218.623 Permit Conditions  
 218.624 Open-top Mills, Tanks, Vats or Vessels  
 218.625 Grinding Mills  
 218.626 Storage Tanks  
 218.628 Leaks  
 218.630 Clean Up  
 218.636 Compliance Schedule  
 218.637 Recordkeeping and Reporting

## SUBPART W: AGRICULTURE

Section  
 218.541 Pesticide Exception

## SUBPART X: CONSTRUCTION

Section  
 218.561 Architectural Coatings  
 218.562 Paving Operations  
 218.563 Cutback Asphalt

## SUBPART Y: GASOLINE DISTRIBUTION

Section  
 218.581 Bulk Gasoline Plants  
 218.582 Bulk Gasoline Terminals  
 218.583 Gasoline Dispensing Facilities- Storage Tank Filling Operations  
 218.584 Gasoline Delivery Vessels  
 218.585 Gasoline Volatility Standards  
 218.586 Gasoline Dispensing Facilities -- Motor Vehicle Fueling Operations

## SUBPART Z: DRY CLEANERS

Section  
 218.601 Perchloroethylene Dry Cleaners  
 218.602 Exemptions  
 218.603 Leaks  
 218.604 Compliance Dates  
 218.605 Compliance Plan  
 218.606 Exception to Compliance Plan  
 218.607 Standards for Petroleum Solvent Dry Cleaners

## SUBPART BB: POLYSTYRENE PLANTS

Section  
 218.875 Applicability of Subpart BB  
 218.877 Emissions Limitation at Polystyrene Plants  
 218.879 Compliance Date  
 218.881 Compliance Plan  
 218.883 Special Requirements for Compliance Plan  
 218.886 Emissions Testing

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section  
 218.920 Applicability  
 218.923 Permit Conditions  
 218.926 Control Requirements  
 218.927 Compliance Schedule  
 218.928 Testing

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section  
 218.940 Applicability  
 218.943 Permit Conditions  
 218.946 Control Requirements  
 218.947 Compliance Schedule



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

218.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL  
MANUFACTURING PROCESSES

Section  
218.960 Applicability  
218.963 Permit Conditions  
218.966 Control Requirements  
218.967 Compliance Schedule  
218.968 Testing

## SUBPART TT: OTHER EMISSION SOURCES

Section  
218.980 Applicability  
218.983 Permit Conditions  
218.986 Control Requirements  
218.987 Compliance Schedule  
218.988 Testing

SUBPART UU: RECORD-KEEPING AND REPORTING FOR  
NON-CTG SOURCES

Section  
218.990 Exempt Emission Sources  
218.991 Subject Emission Sources

218.Appendix A: List of Chemicals Defining Synthetic Organic  
Chemical and Polymer Manufacturing

218.Appendix B: VOM Measurement Techniques for Capture  
Efficiency

218.Appendix C: Reference Methods and Procedures

218.Appendix D: Coefficients for the Total Resource  
Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section  
28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991,  
ch. 111 1/2, pars. 1010 and 1028.2)

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August  
16, 1991; amended in R91-30 at 16 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_.

SUBPART Y: GASOLINE DISTRIBUTION

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Section 218.583

Gasoline Dispensing Facilities - Storage Tank  
Filling Operations

a) Subject to subsection (b), no person shall cause  
or allow the transfer of gasoline from any  
delivery vessel into any stationary storage tank  
at a gasoline dispensing facility unless:

- 1) The tank is equipped with a submerged loading  
pipe; and
- 2) The vapors displaced from the storage tank  
during filling are processed by a vapor  
control system that includes one or more of  
the following:

- A) A vapor collection system that meets the  
requirements of subsection (d)(4); or
- B) A refrigeration-condensation system or  
any other system approved by the Agency  
and approved by the USEPA as a SIP  
revision, that recovers at least 90  
percent by weight of all vaporized  
organic material from the equipment  
being controlled; and
- C) The delivery vessel displays the  
appropriate sticker pursuant to the  
requirements of Section 218.584(b) or  
(d).

b) The requirements of subsection (a)(2) shall not  
apply to transfers of gasoline to a stationary  
storage tank at a gasoline dispensing facility if:

- 1) The tank is equipped with a floating roof, or  
other system of equal or better emission  
control approved by the Agency and approved  
by the USEPA as a SIP revision;
- 2) The tank has a capacity of less than 2000  
gallons and was in place and operating before  
January 1, 1979; or
- 3) The tank has a capacity of less than 575  
gallons.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a);
  - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
  - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
  - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
  - 3) Maintain gauges, meters or other specified testing devices in proper working order;
  - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
    - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
    - B) Avoidable leaks of liquid during the filling of storage tanks; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d) (4) (A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215, Appendix C.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 218.586

Gasoline Dispensing Facilities -- Motor Vehicle Fueling Operations

- a) For the purposes of this section, the following definitions apply.

- 1) Average Monthly Volume: The amount of motor vehicle fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for the 2-year period of November, 1990 through October, 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the facility was operating.
- 2) Certified: Any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system.
- 3) Constructed: Fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.
- 4) CARB: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
- 5) Employee: Any person who performs work for an employer.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Facility: Any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- 7) Gasoline Dispensing Facility: Any facility where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.
- 8) Modification: Any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.
- 9) Motor Vehicle: Any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles, trucks, and watercraft.
- 10) Motor Vehicle Fuel: Any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.
- 11) Owner or Operator: Any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing facility.
- 12) Reid Vapor Pressure: For gasoline, it shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 215.105.
- 13) Vapor Collection and Control System: Any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

tanks.

- b) The provisions of subsection (c) of this Section shall apply to any gasoline dispensing facility which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be demonstrated in accordance with the schedule provided in subsection (d) of this Section.
- c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) of this Section shall cause or allow the dispensing of motor vehicle fuel at any time unless all fuel dispensing operations are equipped with and utilize a vapor collection and control system which is properly installed and operated as provided below:
- 1) No vapor collection and control system shall be installed, used or maintained unless the system has been tested and certified.
  - 2) Any vapor collection and control system utilized shall be maintained in accordance with the manufacturer's specifications and the certification.
  - 3) No elements or components of a vapor collection and control system shall be modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
  - 4) A vapor collection and control system shall not be operated with defective, malfunctioning or missing components.
  - 5) Operators and employees of the gasoline dispensing facility shall be trained and instructed in the proper operation and maintenance of a vapor collection and control system.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Instructions shall be posted in a conspicuous and visible place within the motor fuel dispensing area and shall describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

- d) Facilities subject to the requirements of subsection (c) of this Section shall demonstrate compliance according to the following:
- 1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 1993.
  - 2) Facilities that dispense an average monthly volume of more than 100,000 gallons of motor fuel per month, must comply by November 1, 1993.
  - 3) All other facilities must comply by November 1, 1994.
  - 4) Any gasoline dispensing facility described under both subsections (1) and (2) of Subsection (d) of this Section shall meet the requirements of subsection (1).
  - 5) New facilities constructed after the adoption of this Section shall comply with the requirements of subsection (c) of this Section upon startup of the facility.
  - 6) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) of this Section after May 1, 1993 shall comply with the requirements of subsection (c) of this Section within six calendar months of the date from which the facility becomes subject.
- e) Any gasoline dispensing facility that becomes subject to the provisions of subsection (c) of this Section at any time shall remain subject to the provisions of subsection (c) of this Section at all times.
- f) Upon request by the Agency, the owner or operator

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

of a gasoline dispensing facility which claims to be exempt from the requirements of this Section shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing facility is in fact exempt.

- g) 1) Any gasoline dispensing facility subject to subsection (c) of this Section shall retain at the facility copies of all records and reports adequate to clearly demonstrate:
- A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.
  - B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.
  - C) The time period and duration of all malfunctions of the vapor collection and control system.
  - D) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.
  - E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the potential penalties associated with the violation of any provision of this Section.
- 2) Records and reports required pursuant to this subsection shall be made available to the Agency upon request.
- h) Any gasoline dispensing facility subject to subsection (c) of this Section shall be exempt from the permit requirements specified under Sections 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

that:

- 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form which provides at minimum the facility name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed and the date of completion of installation of the vapor collection and control system. "Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB. The registration must be submitted to the Agency within 30 days of completion of such installation.

- 2) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro-East Area.
- 2) Code Citation: 35 Ill. Adm. Code 219
- 3) Section Numbers: 219.583  
219.586  
Proposed Action: Amend  
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1010, 1027, 1028, and 1028.2.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are part of a plan to meet the State's obligation to provide for the implementation, maintenance, and enforcement of Stage II gasoline vapor recovery rules as required by the Clean Air Act Amendments of 1990. The Illinois Environmental Protection Agency has certified that this rulemaking is a "required rule" pursuant to Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1018.2), and the Board has accepted that certification.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203(b)).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Please include the docket number, R91-30, on all comments. Also send copies of comments to:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

Kathleen C. Bassi  
IEPA  
2200 Churchill Road  
PO Box 19276  
Springfield IL 62794-9276

William Denham  
ENR  
325 W. Adams St., Room 300  
Springfield IL 62704

Additionally, two public hearings have been scheduled on this proposal. Dates, times, and locations are:

Monday, March 30, 1992  
9:30 a.m.  
Room 9-031  
State of Illinois Center  
100 West Randolph Street  
Chicago, IL

Thursday, April 2, 1992  
9:30 a.m.  
Classroom  
Illinois Department of  
Transportation  
1100 Eastport Plaza  
Collinsville, IL

Persons wishing to testify at either hearing should contact the hearing officer, Michelle C. Dresdow, at (815) 753-0947.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:  
February 27, 1992
- B) Types of small businesses affected: Gasoline dispensing facilities with an average monthly throughput of 10,000 gallons or more.
- C) Reporting, bookkeeping or other procedures required for compliance: Records regarding installation and maintenance of Stage II equipment and throughput.
- D) Types of professional skills necessary for compliance:  
None.

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

## PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS  
FOR THE METRO EAST AREA

## SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Clean-up and Disposal Operations
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvents
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference

## SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.121	Storage Containers
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates
219.126	Compliance Plan

## SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations
219.142	Pumps and Compressors
219.143	Vapor Blowdown
219.144	Safety Relief Valves



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART E: SOLVENT CLEANING

## Section

219.181 Solvent Cleaning in General  
219.182 Cold Cleaning  
219.183 Open Top Vapor Degreasing  
219.184 Conveyorized Degreasing  
219.185 Compliance Schedule  
219.186 Test Methods

## SUBPART F: COATING OPERATIONS

## Section

219.204 Emission Limitations for Manufacturing Plants  
219.205 Daily-Weighted Average Limitations  
219.206 Solids Basis Calculation  
219.207 Alternative Emission Limitations  
219.208 Exemptions from Emission Limitations  
219.209 Exemption from General Rule on Use of Organic Material  
219.210 Compliance Schedule  
219.211 Recordkeeping and Reporting

## SUBPART G: USE OF ORGANIC MATERIAL

## Section

219.301 Use of Organic Material  
219.302 Alternative Standard  
219.303 Fuel Combustion Emission Sources  
219.304 Operations with Compliance Program

## SUBPART H: PRINTING AND PUBLISHING

## Section

219.401 Flexographic and Rotogravure Printing  
219.402 Applicability  
219.403 Compliance Schedule  
219.404 Recordkeeping and Reporting  
219.405 Heatset Web Offset Lithographic Printing

## SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

## Section

219.421 General Requirements  
219.422 Inspection Program Plan for Leaks  
219.423 Inspection Program for Leaks  
219.424 Repairing Leaks

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

## SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;

219.425 Recordkeeping for Leaks  
219.426 Report for Leaks  
219.427 Alternative Program for Leaks  
219.428 Open-ended Valves  
219.429 Standards for Control Devices  
219.430 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;  
ASPHALT MATERIALS

## Section

219.441 Petroleum Refinery Waste Gas Disposal  
219.442 Vacuum Producing Systems  
219.443 Wastewater (Oil/Water) Separator  
219.444 Process Unit Turnarounds  
219.445 Leaks: General Requirements  
219.446 Monitoring Program Plan for Leaks  
219.447 Monitoring Program for Leaks  
219.448 Recordkeeping for Leaks  
219.449 Reporting for Leaks  
219.450 Alternative Program for Leaks  
219.451 Sealing Device Requirements  
219.452 Compliance Schedule for Leaks  
219.453 Compliance Dates

## SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

## Section

219.461 Manufacture of Pneumatic Rubber Tires  
219.462 Green Tire Spraying Operations  
219.463 Alternative Emission Reduction Systems  
219.464 Emission Testing  
219.465 Compliance Dates  
219.466 Compliance Plan

## SUBPART T: PHARMACEUTICAL MANUFACTURING

## Section

219.480 Applicability of Subpart T  
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers  
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters  
219.483 Material Storage and Transfer  
219.484 In-Process Tanks  
219.485 Leaks  
219.486 Other Emission Sources  
219.487 Testing

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

219.488 Monitoring and Recordkeeping for Air Pollution Control Equipment  
 219.489 Recordkeeping for Air Pollution Control Equipment

## SUBPART V: AIR OXIDATION PROCESSES

Section  
 219.521 Definitions  
 219.525 Emission Limitations for Air Oxidation Processes  
 219.526 Testing and Monitoring  
 219.527 Compliance Date

## SUBPART W: AGRICULTURE

Section  
 219.541 Pesticide Exception

## SUBPART X: CONSTRUCTION

Section  
 219.561 Architectural Coatings  
 219.562 Paving Operations  
 219.563 Cutback Asphalt

## SUBPART Y: GASOLINE DISTRIBUTION

Section  
 219.581 Bulk Gasoline Plants  
 219.582 Bulk Gasoline Terminals  
 219.583 Gasoline Dispensing Facilities- Storage Tank Filling Operations  
 219.584 Gasoline Delivery Vessels  
 219.585 Gasoline Volatility Standards  
 219.586 Gasoline Dispensing Facilities - Motor Vehicle Fueling Operations

## SUBPART Z: DRY CLEANERS

Section  
 219.601 Perchloroethylene Dry Cleaners  
 219.602 Exemptions  
 219.603 Leaks  
 219.604 Compliance Dates  
 219.605 Compliance Plan  
 219.606 Exception to Compliance Plan  
 219.607 Standards for Petroleum Solvent Dry Cleaners  
 219.608 Operating Practices for Petroleum Solvent Dry Cleaners

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

219.609 Program for Inspection and Repair of Leaks  
 219.610 Testing and Monitoring  
 219.611 Exemption for Petroleum Solvent Dry Cleaners  
 219.612 Compliance Dates  
 219.613 Compliance Plan

## SUBPART AA: PAINT AND INK MANUFACTURING

Section  
 219.620 Applicability  
 219.621 Exemption for Waterbase Material and Heatset Offset Ink  
 219.623 Permit Conditions  
 219.624 Open-top Mills, Tanks, Vats or Vessels  
 219.625 Grinding Mills  
 219.626 Storage Tanks  
 219.628 Leaks  
 219.630 Clean Up  
 219.636 Compliance Schedule  
 219.637 Recordkeeping and Reporting

## SUBPART BB: POLYSTYRENE PLANTS

Section  
 219.875 Applicability of Subpart BB  
 219.877 Emissions Limitation at Polystyrene Plants  
 219.879 Compliance Date  
 219.881 Compliance Plan  
 219.883 Special Requirements for Compliance Plan  
 219.886 Emissions Testing

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section  
 219.920 Applicability  
 219.923 Permit Conditions  
 219.926 Control Requirements  
 219.927 Compliance Schedule  
 219.928 Testing

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section  
 219.940 Applicability  
 219.943 Permit Conditions  
 219.946 Control Requirements  
 219.947 Compliance Schedule  
 219.948 Testing



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL  
MANUFACTURING PROCESSES

Section  
219.960  
219.963  
219.966  
219.967  
219.968

Applicability  
Permit Conditions  
Control Requirements  
Compliance Schedule  
Testing

## SUBPART TT: OTHER EMISSION SOURCES

Section  
219.980  
219.983  
219.986  
219.987  
219.988

Applicability  
Permit Conditions  
Control Requirements  
Compliance Schedule  
Testing

## SUBPART UU: RECORDKEEPING AND REPORTING FOR NON-CTG SOURCES

Section  
219.990  
219.991

Exempt Emission Sources  
Subject Emission Sources

219.Appendix A: List of Chemicals Defining Synthetic Organic  
Chemical and Polymer Manufacturing  
219.Appendix B: VOM Measurement Techniques for Capture  
Efficiency  
219.Appendix C: Reference Methods and Procedures  
219.Appendix D: Coefficients for the Total Resource  
Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section  
28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991,  
ch. 111 1/2, pars. 1010 and 1028.2).

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August  
16, 1991; amended in R91-30 at 16 Ill. Reg. \_\_\_\_\_.

## SUBPART Y: GASOLINE DISTRIBUTION

Section 219.583

Gasoline Dispensing Facilities - Storage Tank  
Filling Operations

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

a) Subject to subsection (b), no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:

- 1) The tank is equipped with a submerged loading pipe; and
- 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

- A) A vapor collection system that meets the requirements of subsection (d)(4); or
  - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
  - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d).
- b) The requirements of subsection (a)(2) shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:
- 1) The tank is equipped with a floating roof, or other system of equal or better emission control as approved by the Agency and approved by the USEPA as a SIP revision;
  - 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
  - 3) The tank has a capacity of less than 575 gallons.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- c) Subject to subsection (b), each owner of a gasoline dispensing facility shall:
- 1) Install all control systems and make all process modifications required by subsection (a);
  - 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
  - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b), each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
  - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
  - 3) Maintain gauges, meters or other specified testing devices in proper working order;
  - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
    - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B, and
    - B) Avoidable leaks of liquid during the filling of storage tanks; and

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d) (4) (A).
- e) Gasoline dispensing facilities were required to take certain actions to achieve compliance which are summarized in 35 Ill. Adm. Code 215, Appendix C.
- (Source: Amended at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 219.586  
Gasoline Dispensing Facilities - Motor Vehicle Fueling Operations
- a) For the purposes of this section, the following definitions apply.
- 1) Average Monthly Volume: The amount of motor vehicle fuel dispensed per month from a gasoline dispensing facility based upon a monthly average for the 2-year period of November, 1990 through October, 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the facility was operating.
  - 2) Certified: Any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system.
  - 3) Constructed: Fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.
  - 4) CARB: California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.
  - 5) Employee: Any person who performs work for an employer.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Facility: Any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.
- 7) Gasoline Dispensing Facility: Any facility where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.
- 8) Modification: Any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.
- 9) Motor Vehicle: Any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles, trucks, and watercraft.
- 10) Motor Vehicle Fuel: Any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kpa) (four pounds per square inch) and which is used to power motor vehicles.
- 11) Owner or Operator: Any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing facility.
- 12) Reid Vapor Pressure: For gasoline, it shall be measured in accordance with either the method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, incorporated by references in 35 Ill. Adm. Code 215.105.
- 13) Vapor Collection and Control System: Any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- of motor vehicle fuel into motor vehicle fuel tanks.
- b) The provisions of subsection (c) of this Section shall apply to any gasoline dispensing facility which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be demonstrated in accordance with the schedule provided in subsection (d) of this Section.
- c) No owner or operator of a gasoline dispensing facility subject to the requirements of subsection (b) of this Section shall cause or allow the dispensing of motor vehicle fuel at any time unless all fuel dispensing operations are equipped with and utilize a vapor collection and control system which is properly installed and operated as provided below:
- 1) No vapor collection and control system shall be installed, used or maintained unless the system has been tested and certified.
- 2) Any vapor collection and control system utilized shall be maintained in accordance with the manufacturer's specifications and the certification.
- 3) No elements or components of a vapor collection and control system shall be modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.
- 4) A vapor collection and control system shall not be operated with defective, malfunctioning or missing components.
- 5) Operators and employees of the gasoline dispensing facility shall be trained and instructed in the proper operation and maintenance of a vapor collection and control system.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- 6) Instructions shall be posted in a conspicuous and visible place within the motor fuel dispensing area and shall describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

d) Facilities subject to the requirements of subsection (c) of this Section shall demonstrate compliance according to the following:

- 1) Facilities that commenced construction after November 1, 1990, must comply by May 1, 1993.
  - 2) Facilities that dispense an average monthly volume of more than 100,000 gallons of motor fuel per month, must comply by November 1, 1993.
  - 3) All other facilities must comply by November 1, 1994.
  - 4) Any gasoline dispensing facility described under both subsections (1) and (2) of Subsection (d) of this Section shall meet the requirements of subsection (1).
  - 5) New facilities constructed after the adoption of this Section shall comply with the requirements of subsection (c) of this Section upon startup of the facility.
  - 6) Existing facilities previously exempted from but which become subject to the requirements of subsection (c) of this Section after May 1, 1993 shall comply with the requirements of subsection (c) of this Section within six calendar months of the date from which the facility becomes subject.
- e) Any gasoline dispensing facility that becomes subject to the provisions of subsection (c) of this Section at any time shall remain subject to the provisions of subsection (c) of this Section at all times.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

- f) Upon request by the Agency, the owner or operator of a gasoline dispensing facility which claims to be exempt from the requirements of this Section shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing facility is in fact exempt.

- g) 1) Any gasoline dispensing facility subject to subsection (c) of this Section shall retain copies at the facility of all records and reports adequate to clearly demonstrate:
- A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.
  - B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.
  - C) The time period and duration of all malfunctions of the vapor collection and control system.
  - D) The motor vehicle fuel throughput of the facility for each calendar month of the previous year.
  - E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the penalties associated with the violation of any provisions of this Section.
- 2) Records and reports required pursuant to this subsection shall be made available to the Agency upon request.
- h) Any gasoline dispensing facility subject to subsection (c) of this Section shall be exempt from the permit requirements specified under Sections 201.142, 201.143 and 201.144 for its



## ILLINOIS REGISTER

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

vapor collection and control systems, provided that:

- 1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form which provides at minimum the facility name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed and the date of completion of installation of the vapor collection and control system. "Completion of installation" includes the successful passing of vapor leakage and blockage tests as specified by CARB. The registration must be submitted to the Agency within 30 days of completion of such installation.

- 2) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing facility shall submit to the Agency a registration form that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Added at \_\_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## 1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:

114.128

Amendment

114.135

New Section

4) Statutory Authority: Sections 6-11(b)(5) of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 6-11(b)(5)), as added by P.A. 87-14)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking does three things. First, it eliminates the "cure", the ability of a Transitional Assistance client to end a sanction for failure to cooperate in an employment or training program simply by signing a written intent to cooperate. The Department no longer believes that a sanction for failure to cooperate in employment and training programs should be waived without a showing of good cause.

Second, this rulemaking clarifies that if subject to a sanction, the client will be subject to the sanction during months the client is otherwise eligible for assistance. This clarification is especially necessary now that Transitional Assistance is a time limited program.

Third, this rulemaking creates a conciliation process. This process will be used when a client has not complied with a program requirement to determine the reason for the non-compliance and give the client an opportunity to comply before being sanctioned. This replaces the good cause meeting.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 10, 1992
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 147

## REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section  
147.5  
147.15  
147.25  
147.50  
147.75  
147.100  
147.105  
147.125  
147.150  
147.175  
147.200  
147.205  
147.250  
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147.305  
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147. TABLE A  
147. TABLE B

Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities

Comprehensive Resident Assessment

Functional Needs and Restorative Care

Service Needs

Definitions

Reconsiderations

Midnight Census Report

Times and Staff Levels

Statewide Rates

Referrals

Basic Rehabilitation Aide Training Program

Nursing Rates

Costs Associated with the Omnibus Budget

Reconciliation Act of 1987 (Emergency Expired)

Determination of Program (Specialized Services) Costs

Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities

Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness

Comprehensive Functional Assessments and Reassessments

Interdisciplinary Team (IDT)

Comprehensive Care Plan (CCP)

Specialized Care - Administration of Psychopharmacologic Drugs

Specialized Care - Behavioral Emergencies

Discharge Planning

Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness

Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities

Staff Time and Allocation by Need Level

Staff Time and Allocation for Restorative Programs

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section

147.TABLE C Comprehensive Resident Assessment  
 147.TABLE D Functional Needs and Restorative Care  
 147.TABLE E Service  
 147.TABLE F Social Services  
 147.TABLE G Therapy Services  
 147.TABLE H Determinations  
 147.TABLE I Activities  
 147.TABLE J Signatures  
 147.TABLE K Rehabilitation Services  
 147.TABLE L Personal Information

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25

## Functional Needs and Restorative Care

A Resident Assessment Instrument is used to assess the variable needs of public assistance residents for determination of statewide nursing rates and facility reimbursement levels. The Resident Assessment guidelines as described in this Section identify the functional needs of the resident and the programs developed to improve their functional abilities.

## a) Category 1 - Bathing/Grooming

## a) Base Rate Services

- A) General reminders of when to take a bath;
- B) Assistance with combing/brushing hair or assistance with washing back; and
- C) One-to-one verbal instruction.

## 2) Functional

- A) Resident needs and receives hands-on assistance due to functional deficit(s) (as determined by physical or psychological causes). Resident is helped with bathing some part of her/his body. This includes oral hygiene, washing hair and shaving.
- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with bathing. Resident is bathed by a staff person whether the bath is given in the tub, shower, or bed.

## 3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in bathing and grooming due to a functional deficit(s) (as determined by physical or psychological causes).

## 4) Maintenance

Restorative care and program continue to be implemented, and is at a maintenance level after



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

initial improvement. Restorative care and program intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in bathing and grooming. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

## b) Category 2 - Clothing

## 1) Base Rate Services

- A) Assistance in choosing appropriate clothing; and
- B) Verbal reminders to dress.

## 2) Functional

- A) Resident needs and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes). Resident requires and receives help with getting dressed. This involves the actual assisting with putting on clothes.

- B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with dressing. Resident is dressed by a staff person and does not participate in dressing of self. This includes bedfast residents being dressed in gown, pajamas, etc.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

## 3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in dressing due to a functional deficit(s) (as determined by physical or psychological causes).

## 4) Maintenance

Restorative care and program continue to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in dressing. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

## c) Category 3 - Eating

## 1) Base Rate Services

- A) Routine tray preparation:

- i) opening milk cartons
- ii) cutting food
- iii) pouring coffee/beverages
- iv) buttering bread

- B) Verbal reminders to eat (encouragement)

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

- 2) Functional
  - A) Resident needs and receives hands-on staff assistance to eat some part of the meal due to a functional deficit(s) (as determined by physical or psychological causes).
  - B) Totally dependent. Resident requires and receives total assistance from staff with eating due to a functional deficit(s) (as determined by physical or psychological causes).
  - C) Tube Feeding. Resident requires and receives tube feeding. Resident is fed through nasogastric tube or gastrostomy tube regardless of other oral food intake.
- 3) Restorative
 

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in eating due to a functional deficit(s) (as determined by physical or psychological causes).
- 4) Maintenance
 

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.
- 5) An assessment shall be completed identifying the resident's current level of functioning in eating. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

- d) Category 4 - Mobility
 

has progressed in ability, or has lost functional ability.

  - 1) Base Rate Services
    - A) Repositioning for comfort;
    - B) Supervision of ambulatory residents;
    - C) Redirection of lost and/or wandering residents;
    - D) Reminders to use handrails;
    - E) Reminders to use assistive devices correctly;
    - F) Residents who are totally bedfast; and
    - G) Assistance in and out of bathtub or shower.
  - 2) Functional
    - A) Resident needs and receives hands-on assistance with standing, transfer or movement about the facility due to a functional deficit(s) (as determined by physical or psychological causes). Resident can ambulate or move about facility per self once transfer is completed. Or, resident can transfer independently, but staff must assist resident with movement about the facility.
    - B) Resident requires and receives hands-on assistance to transfer from bed to chair or wheelchair and requires and receives assistance with movement about the facility due to a functional deficit(s) (as determined by physical or psychological causes).
  - 3) Restorative
 

Staff has developed and is implementing a



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

specific program to assist resident to improve functional abilities in transferring, ambulation, wheelchair mobility, and/or bed mobility due to a functional deficit(s) (as determined by physical or psychological causes).

## 4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in bed mobility, transfer and locomotion. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

## e) Category 5 - Continence

## 1) Base Rate Services

Stand-by assistance provided, including assisting with clothing, verbal cues, etc.

## 2) Functional

- A) Resident is incontinent of bladder and/or bowel (includes dribbling).

- B) Resident is assisted to toilet as frequently as indicated by resident need.

## 3) Restorative Care

Staff has assessed, planned, implemented and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.25 Functional Needs and Restorative Care (Cont'd)

monitored, according to individual need, a specific formalized program to assist resident to improve abilities in continence.

## 4) Maintenance

Restorative care and formalized program continues to be implemented and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

- 5) An assessment shall be completed identifying the resident's current level of functioning in continence. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- 6) Prior to a resident being given credit for restorative care in any program, the following must be met:

- A) An assessment completed by a registered nurse, identifying the resident's current level of functioning, the cause or contributing factors of current incontinence, and a plan developed to increase this level of functioning by the interdisciplinary team.

- B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.

- C) Staff carries out the restorative care programs as indicated by the plan and

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

Section 147.25

Functional Needs and Restorative Care  
(Cont'd)

Section 147.25

Functional Needs and Restorative Care  
(Cont'd)

records resident's response to the restorative care programs in the clinical record at least monthly.

- D) The program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. The care plan review is required by 42 CFR 483.20 (1989) (1990).

## f) Category 6 - Psychosocial/Mental Status

## 1) Base Rate Services

- A) Occasional behavior intervention for that which the resident has not been assessed or for which no program has been implemented;
- B) Additional reminders for bathing, clothing, grooming and taking medicine;
- C) Explanations and assurances;
- D) Intervention/interaction with family; and
- E) Reminders to attend activities.

## 2) Functional

Staff has developed and is implementing a specific intervention program that addresses psychosocial needs. This program is monitored by a Qualified Health Professional "QHP" as evidenced by signing off on assessment and response notes, with written recommendations as appropriate in the clinical record. This program must be in the care plan and the resident's response to staff's intervention must be recorded in the clinical record at least monthly. Interventions may occur in 1:1 scheduled counseling sessions, group sessions no larger than eight, or strictly incident intervention. Incident intervention only programs are limited

to residents with severe behavior problems which preclude participation in a more structured setting. Incident intervention only must consist of a plan with staff using ongoing specifically identified interventions for identified behavior occurrences. The plan may consist of any combination of the above-mentioned techniques. Interventions must take place at least three times a week.

## g) Category 7 - Communication

## 1) Functional Description

Resident has been assessed, needs and receives special assistance or care as a result of altered sensory reception or transmission including visual, auditory, or speech.

## 2) Type Code: Frequency Codes

- A) Interventions are developed and implemented to address one communication deficit.
- B) Interventions are developed and implemented to address two communication deficits.
- C) Interventions are developed and implemented to address three communication deficits.

## 3) Approved appliances and assistive devices, including application and care of the appliance, are covered in the appliance category.

## 4) Interventions must have a comprehensive 7-day-a-week philosophy.

## 5) Interventions must be monitored by interdisciplinary team.

## 6) Staff should receive in-service training as required.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 147.25 Functional Needs and Restorative Care  
(Cont'd)

7) Interventions must be conducted on an individual resident basis.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 147.50 Service Needs

This Section describes the Department's method of reimbursement for nursing costs for service needs through the use of the Resident Assessment Instrument. It further describes therapy services that may be needed by residents that are reimbursable through a separate post-payment audit system.

a) Category 1 - Appliances

1) Type Code: Frequency codes

One or more appliances.

2) Appliances.

Appliances, restricted to the following devices, that the facility staff assist the resident with applying, and/or maintenance/care of the appliance as indicated per physician's or dentist's orders and/or resident plan of care.

- A) Hearing device (one or two)
- B) Elastic joint supports
- C) Ted or jobst hose (one or two)
- D) A neck brace
- E) A back brace
- F) Artificial limbs
- G) Trusses (male and female)
- H) Prescribed ACE bandages
- I) Cervical collars

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 147.50 Service Needs (Cont'd)

- J) Leg braces
- K) Arm braces
- L) Head braces
- M) Splints
- N) Slings
- O) Contact lens
- P) Artificial eye
- Q) Protective helmet
- R) Cylinder braces
- S) Eyeglasses
- T) Dentures
- U) Electrolarynx
- V) Augmentative communication devices
- W) TENS Unit
- X) Wheelchair cuffs
- Y) ADL adaptive equipment
- Z) Abductor bar/pillow
- AA) Self-release safety devices
- b) Category 2 - Catheterization  
Type code: Intensity codes  
Indwelling, Texas, supra pubic catheter, intermittent catheterization, including care and irrigation.
- c) Category 3 - Pressure Ulcer Treatment  
Type code: Intensity codes



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

- 1) Resident has been admitted with a stage I or II pressure ulcer.
- 2) Resident has been admitted with a stage III or IV pressure ulcer.
- 3) Resident has a Stage I or II pressure ulcer that developed while in the facility.
- 4) Resident has a Stage III or IV pressure ulcer that developed while in the facility.

## d) Category 4 - Pressure Ulcer Prevention

## Type code: Intensity codes

- 1) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the moderate risk category. A comprehensive preventative program as specified in the care plan is implemented and must address, but is not limited to, positioning schedules, range of motion program, nutritional support, and skin measures (i.e., whirlpool, etc.) as determined by facility policy.

- 2) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the high risk category. A comprehensive preventative program as specified in the resident care plan is implemented and must address, but is not limited to, special mattresses or wheelchair cushions to reduce pressure, a positioning schedule, range of motion program, nutritional support and daily skin checks, and skin care measures (i.e., whirlpool, etc.) as dictated by a facility policy for high risk residents.

## e) Category 5 - Wound Care

## Type code: Intensity codes

- 1) Dressings and/or skin treatments for noninfected areas.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

- 2) Complex dressings (such as sterile dressings or post-op) and/or treatment to lesions that are infected.

## f) Category 6 - Injections

## Type code: Frequency codes

- 1) Requires and receives injections less than daily but at least once a month, on a regular basis as per physician order.
- 2) Requires and receives one or more injections daily.

## g) Category 7 - Intravenous Therapy: I.V.'s and Clysis

## Type code: Frequency codes

- 1) Required and received I.V. or clysis for at least 48 hours (intermittent or continuous) during the past six months.
- 2) Required and received I.V. or clysis seven or more days in past six months.

## h) Category 8 - Laboratory-Specimen Service

## Type code: Frequency codes

Resident required and facility staff collected one or more of the following: a specimen including blood specimen, urine specimen either by midstream "cleancatch" or by catheter, sputum specimen, stool specimen, swabs of throat, lesions, diabetic urine test, telephonic pacemaker check or electrocardiogram or oximeter or glucometer readings or checking and monitoring of shunts. Specimens collected by an outside lab are not included.

- 1) One time in the last six months.

- 2) Once a week.

- 3) Daily.

## i) Category 9 - Medications/Medication Monitoring

NOTICE OF PROPOSED AMENDMENTS

Section 147.50 Service Needs (Cont'd)

- 1) Base Rate Services
- A) Routine med passes;
- B) Routine observation for medication side effects;
- C) Encouraging residents to take medications;
- D) PRN medication;
- E) Special monitoring done by licensed or unlicensed personnel with licensed supervision, including vital signs, lab work and clinitests that result in few, if any, changes in dosage or medication or amount of assessment necessary.
- 2) Type code: Intensity codes
- Resident needs and receives medication four times a day or more during off-hours or by multiple routes, and requires routine monitoring to check for untoward reaction or side effects. Also included is a resident who needs and receives medication that requires special monitoring by licensed personnel with need for assessing and reporting to physician if necessary, changes in resident status, lab work, side effects, or apparent drug interactions. This can result in an adjustment of dosage or medication, or in continuing assessment of an unstable condition.

3) Medication Programs

- A) Resident is on a supervised program to increase or maintain an acquired level of independent self-administration of medication. The resident's cognitive, physical and visual ability to carry out this responsibility has been assessed by the interdisciplinary team. Nursing staff is responsible for drug storage and for recording self-administration in the resident's medication administration record; or

NOTICE OF PROPOSED AMENDMENTS

Section 147.50 Service Needs (Cont'd)

- B) Resident is involved in a program to discontinue or reduce psychotropic medication to the lowest possible dose necessary to control symptoms.
- j) Category 10 - Occupational Rehabilitation Services
- 1) Type code: Intensity Code
- The occupational rehabilitation program shall be ordered by a physician. It shall be planned and designed specifically for the resident by a ~~an~~ registered-occupational therapist registered/licensed (REF) (OTR/L) (68 Ill. Adm. Code 1315). The ~~program~~ program shall be administered by a rehabilitation aide or ~~Certified-Occupational-Therapist-Assistant-(COTA)-certified occupational therapist assistant/licensed (COTA/L)~~ therapist assistant (PTA) under the supervision of the (REF) (OTR/L). There shall be a monthly review of progress documented by the ~~REF~~ REF (OTR/L), or if written by the ~~COTA/L~~ COTA/L, co-signed by the ~~REF~~ REF (OTR/L).
- 2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

k) Category 11 - Physical Rehabilitation Services

- 1) Type code: Intensity Code
- The physical rehabilitation program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the ~~Registered-Physical-Therapist-(RPT)~~ Registered-Physical-Therapist-(RPT) physical therapist (PT). The physical rehabilitation services shall be administered by a ~~Physical-Therapist-Assistant-(PTA) or a rehabilitation aide under the supervision of the RPT PT~~ Physical-Therapist-Assistant-(PTA) or a rehabilitation aide under the supervision of the RPT PT. There shall be a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

monthly review of the progress documented by the RPT-PT or if written by the PTA, co-signed by the RPT-PT.

- 2) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

## 1) Category 12 - Passive Range of Motion (PROM)

Type code: Frequency Code

Resident requires and receives PROM exercises to at least one extremity at least two times per day.

## m) Category 13 - Ostomy Care

Type code: Intensity codes

Includes gastrostomy, ileostomy, jejunostomy and colostomy.

- 1) Uncomplicated care of ostomy (gastrostomy included). Includes routine care and maintenance of the ostomy, i.e., cleansing and appliance change.

- 2) Complex ostomy, Includes post/op operative, ostomies, care of Percutaneous Endoscopic Gastrostomy (PEG) tubes, or an ostomy that, given the patient's overall condition, requires licensed care. All ostomies that have become excoriated or require a prescription medication application are included.

## n) Category 14 - Respiratory Therapy

1) Type code: Intensity codes

- A) Uncomplicated provision of these therapies. Resident is capable of administering his/her

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

own respiratory therapy (oxygen and humidity) with minimum assistance from licensed personnel and routine monitoring by staff.

- B) Complex due to the nature of the resident's condition, type procedure or multiplicity of procedures required. Positive pressure breathing therapy, aerosol therapy, etc. and complicated problems with oxygen-humidity is required by resident. Resident is totally dependent upon administration by licensed staff.

- 2) Respiratory therapy includes oxygen, positive pressure breathing therapy, humidity therapy, or aerosol therapy, postural drainage, percussion or vibration. Room humidifiers are not included.

## o) Category 15 - Suctioning

1) Type code: Frequency codes

A) 1) At least twice weekly-Daily.

B) 2) Once or more daily-Twice or more daily.

- 2) Includes ~~postural drainage, percussion, and vibration~~.

## p) Category 16 - Tracheostomy Care

1) Type code: Intensity codes.

- A) Requires routine cleansing of tracheostomy site and non-sterile dressing change. Tracheostomy care managed by staff (see Category 15 - Suctioning).

- B) Requires and receives complex care to tracheostomy site more than one time daily which includes the changing of sterile or complex dressings, suctioning or changing of the tracheostomy tube, and/or monitoring of unstable respiratory status (see Category 15 - Suctioning).



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

- 2) Includes care of tracheostomy site.

- q) Category 17 - Discharge Planning

## Type code: Intensity codes

A specific discharge plan has been developed by an interdisciplinary team and reflected in the resident care plan. Includes only residents with discharge anticipated within the next three (3) months to a less restrictive environment. This plan shall include family and other state agency programs where appropriate (i.e., Department on Aging and Department of Rehabilitation Services). Discharge of the resident need not be accomplished provided the plan has been implemented and the services were within the past six months.

- r) Category 18 - Health and Fitness Programs

## Type code: Intensity Codes.

A health and fitness program has been specifically planned for the resident by a licensed nurse. The fitness program is written on the resident's fitness card. Following the resident's attendance, participation in the specific routine(s) must be recorded on the resident's fitness card. The program is carried out at least three times per week. The resident's response to the program must be documented in the clinical record one time per month. Fitness routines should vary based on the resident's physical condition, fitness preferences and plan of care. Programs may be self-monitored. Programs may consist of, but are not limited to walking/fitness trails, flexibility exercises, endurance maintenance, wheel chair pushups, swimming, biking, basketball, baseball, and/or volleyball.

- s) Category 19 - Restraint Management and Reduction

## Base Rate Services

The resident does not have an assessed need to be physically restrained because of a continuing health, functional or psychosocial condition. A physical restraint may be used temporarily to provide necessary

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

life saving treatment, if there are medical symptoms which are life threatening. A physical restraint may be used for brief periods to allow medical treatment to proceed if there is documented evidence of the resident's or legal representative's approval of the temporary physical restraint. If a temporary physical restraint is needed because of medical symptoms which are life threatening, documented attempts at less restrictive measures prior to application of the physical restraint are not required.

## Type Code: Intensity Codes

The resident has been assessed by licensed staff and, for clearly documented reasons which are not life threatening, has been determined to be in need of a physical restraint, the resident, family (if appropriate), guardian or legal representative has consented to the use of the physical restraint. The staff has attempted less restrictive measures and documented the results. Consultation has taken place with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehab certified registered nurse, in the use of less restrictive supportive devices or methods. Where appropriate, the less restrictive measures have been successfully maintained without the use of physical restraints. Where less restrictive measures have not been successful and physical restraints have been applied, the care plan documents the duration, type and circumstances under which the restraint can be used. The restraints are properly applied and the resident is released from the restraint, exercised or ambulated, and repositioned for at least 10 minutes at least every 2 hours, the interdisciplinary team reviewed the continuing need for restraints and that reduction in duration or less restrictive measures have been discussed. As the interdisciplinary team determines, an individualized restraint reduction program is developed and implemented.

- t) Category - Social Services

- 1) Type Code: Intensity Codes

Resident and/or family and/or guardian counseled on residents rights at admission and reviewed

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

individually with residents and/or family and/or guardian at least annually. Staff orient resident and/or family and/or guardian to facility programs, Medicare/Medicaid programs (including prevention of spousal impoverishment), advance directives, available medical services, community support services, and the resident's personal allowances, and gives assistance to resident in applying for any needed services. Facility ascertains and arranges to secure or provide resident's choice of pastoral care. Resident and/or family and/or guardian are encouraged to participate in care plan conferences. Facility acquaints resident with resident council purpose/functions and encourages participation.

- 2) To qualify for Level 2, all Level 1 requirements must be in place as well as the following: Resident has participated in a monthly standard social service interview soliciting resident opinions and preferences about defined aspects of the quality of life in the facility. If resident is unable to participate in this interview, a family or guardian interview, in person or by phone, may be done on a monthly basis.

## u) Category - Therapy Services

The following therapy services are not to be scored on the DPA 2700. These services are, however, reimbursed on the DPA 1443, Provider Invoice.

- 1) Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Services

## A) General Criteria

There must be a reasonable likelihood that the treatment will improve the resident's functional means of communication. While there is no specific time limit on the duration of these services, improvement of the resident's condition must be evident in the therapist's documentation.

## B) Specific Criteria

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50 Service Needs (Cont'd)

Resident requires and facility provides a Speech-Language Pathology and Audiology (SLP/A) Rehabilitative Program as ordered by a physician, planned and designed specifically for the resident by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY) and including measurable goals. This program is carried out on a regularly scheduled basis by a certified speech-language pathologist/audiologist or Clinical Fellow (CFY). Progress notes are to be recorded as to the improvement of the resident's condition. This service must be reevaluated monthly by the certified speech-language pathologist/audiologist.

- 2) Physical Therapy and Related Rehabilitative Services

## A) General Criteria

There must be a reasonable likelihood that the physical therapy and/or the physical rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. The care plan review is required by 42 CFR 483.20 (1989)(1990). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

## B) Specific Criteria

## i) Physical Therapy I

Physical therapy shall be planned and designed specifically for the resident by a physical therapist (PT). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147.50

Service Needs (Cont'd)

individual with qualifications of a physical therapist. There must be a review of progress toward goals documented by the PT monthly.

## ii) Physical Therapy II

The physical therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the PT. The direct physical therapy services shall be administered by a physical therapist assistant (PTA) under the supervision of the PT. There shall be a review of the progress documented either by the PT or the PTA monthly. The PT must cosign the PTA's documentation monthly.

## iii) Physical Therapy Assessment

Resident has been evaluated, assessed or reassessed by a physical therapist and a specific restorative program developed to increase the resident's functional level. This program is then implemented by the nursing department. This is not scored if the resident is also in any rehabilitation program.

## 3) Occupational Therapy and Related Rehabilitative Services

## A) General Criteria

There must be a reasonable likelihood that the occupational therapy and/or the occupational rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. (The care plan review is required by 42 CFR 483.20

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147.50

Service Needs (Cont'd)

{1989}(1990)). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

## B) Specific Criteria

## i) Occupational Therapy I

The occupational therapy shall be ordered by a physician. It shall be planned and designed specifically for the resident by a registered occupational therapist registered/licensed {RPT}(OTR/L). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a registered occupational therapist registered/licensed {RPT}(OTR/L). There must be a review of progress towards goals documented by the {RPT}(OTR/L) every month.

## ii) Occupational Therapy II

The occupational therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the {RPT}(OTR/L). The direct occupational therapist-therapy services shall be administered by a certified occupational therapy assistant/licensed {COTA}(COTA/L) under the supervision of the {RPT}(OTR/L). There shall be a review of the progress documented either by the {RPT}(OTR/L) or COTA/L monthly. The {RPT}(OTR/L) must cosign the COTA's-COTA/L's documentation after-monthly.

## iii) Occupational Therapy Assessment

Resident has been evaluated, assessed or reassessed by a registered occupational therapist registered/licensed {RPT}(OTR/L) and a specific



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.50

## Service Needs (Cont'd)

restorative program developed to increase resident's functional level. This program is then implemented by the nursing department. This is not scored if resident is also in any rehabilitation program.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 147.75

## Definitions

"ADL." Activities of daily living.

"ADL Adaptive Equipment." ADL adaptive equipment refers to any device applied to the hand or arm that allows for independence in eating, grooming, writing, bathing, dressing.

"Agency Note." Clarification for Department staff and providers regarding interpretation of the administrative rule or interpretative guidelines.

"Ambulate." Process of moving from one place to another either on foot (with or without a device) or in a wheelchair or geri chair.

"Assessment/Reassessment." The process of obtaining and interpreting data by licensed personnel. This data is gathered through record review, specific, direct observation, interview, and the administration of data collection procedures.

The requirement of an assessment/reassessment is indicated for several of the functional and/or service categories. Reference to an assessment does not mean the facility must develop a distinct assessment form for each category. Facilities should be encouraged to conduct a comprehensive assessment with emphasis given to the areas upon which resident programs or care plans will be based.

A reassessment does not require the completion of a new assessment duplicating the comprehensive assessment already conducted. A reassessment requires a focused review of the resident's current status, progress, the continual appropriateness of the program

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

performed by the facility staff and the resident cannot perform the activity himself/herself.

"Fitness Card." A card which includes individual resident data along with planned activities, frequency of activities, necessary monitoring and documentation requirements.

"Flow Sheet." Specialized form designed for staff to record services and/or treatments delivered to residents on a regular basis. Flow sheets are a permanent part of the clinical record.

"Fluidotherapy." A multifunctional modality that simultaneously applies heat, massage, sensory stimulation and pressure oscillation through the use of pulverized corn husks. It is used to decrease pain and edema, increase range of motion and circulation, and heal open or closed wounds. Unlike water, the dry natural media does not irritate the skin or produce thermal shock.

"Intervention." Planned interactions requiring either hands-on or verbal action by staff member. Actions are purposeful with the intent of altering or maintaining a resident's condition. Interventions are documented in resident's individualized plan of care.

"Kardex." A centralized source of information outlining the daily care needs of a resident. The entries made on this record are temporary and are updated as physician's orders or change in the resident's condition dictate. Its primary use is to provide a ready source of information for the direct care staff to use in planning for and prioritizing the resident's daily care.

"Less Restrictive Environment." Discharge to a less restrictive environment entails transfer of a resident from a skilled or intermediate care facility to a facility providing sheltered care or room and board; or discharge of a resident to home, independent living arrangement or residential rehabilitation facility or an ICF/15.

"Monitor." Direct observation by staff of a resident for a specific purpose.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

and/or care plan. The individual conducting the reassessment should document findings updating the initial assessment.

"Assistance." Assistance refers to hands-on services by a staff member to help a resident do something such as to dress, eat, etc.

"Augmentative Communication Systems/Devices." Augmentative communication systems and devices encompass a broad range of unaided vs. aided communication systems. Examples of unaided modes of communications are gesturing, sign language, eye pointing and head nod/shake responses. Aided modes of communication may include the use of an eye gaze communication board or an electronic communication device that has speech output or a print tape.

"Base Rate Services." Denotes minimum standard services covered in the base rate.

"Certified Occupational Therapist Assistant/Licensed Therapist (COTA/L)." Has completed an occupational therapy program of at least two years in length leading to an associate degree or its equivalent approved by the Department of Professional Regulation (DPR) and has successfully completed the examination authorized by DPR (see Ill. Rev. Stat. 1989, ch. 111, pars. 3701 et seq.).

"Clinical Fellow" (CFY). The educational equivalent to a certified Speech-Language Pathologist/Audiologist. This entry level professional is engaged in completion of the Clinical Fellowship Year/CFY required for certification as a Speech-Language Pathologist/Audiologist.

"Clinical Record." Any document containing resident specific information. The clinical record includes information on the resident's current status, plans of care and resident's response to care. Flow sheets, treatment sheets and nurses' notes are all components of the clinical record. The clinical record is a permanent document.

"Dependent (totally)." Resident requires the activity of the given area of need to be administered and/or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

"Monthly." Thirty (30) consecutive days.

"Need Not Met." Objective criteria used to verify that services are not rendered or are not effective in meeting residents' needs.

"Normal operations of facility." Daily patterns of staff carrying out their prescribed duties or residents engaging in routine patterns of daily living.

"Occasional." Action that does not occur in a pattern. For example, a resident is occasionally incontinent when he/she, due to medication, certain foods, excitement, etc., may have an accident. However, it is not a consistent pattern.

"Occupational Therapist Registered/Licensed (OTR/L)." Is a graduate of an occupational therapy program of at least four years in length leading to a baccalaureate degree or its equivalent approved by DPR and that person has successfully completed the examination authorized by DPR (see Ill. Rev. Stat. 1985, ch. 111, pars. 3701 et seq.).

"Off-hours." Refers to medication prescribed by the physician to be given at times other than the facilities routine times for dispensing medications. Off-hour medications should be given for specific purposes (i.e. eye drops, antibiotics, etc.) and should be of a limited duration.

"Paraffin-Paraffin Heat Therapy." A paraffin-paraffin bath is wax which has been completely melted to 126°(F) - 130°(F). This treatment is used to apply heat uniformly to hand, foot, or other body areas to relieve pain, soreness and to relax muscle spasms. The heat relaxes the muscles and stimulates circulation of blood.

"Physical Restraints." Any manual method or physical or mechanical device, material or equipment attached or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Arm and leg restraints, hand mitts, soft ties or vests, wheelchair safety bars and gerichairs are considered physical restraints.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

"Physiatrist." A physician who has specialized in the field of physical, occupational and speech therapies and all exercise and heat modalities for treating orthopedic, neurological and circulatory disturbances.

"Physical Therapist (PT)." Is a person who has graduated from a curriculum in physical therapy approved by DPR and has passed an examination approved by the DPR to determine his fitness for practice as a physical therapist.

"Physical Therapist Assistant (PTA)." Is a person who has graduated from a two year college level program approved by the American Physical Therapy Association; or has two years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service.

"Psychotropic Drugs." Any drugs which are used for anti-psychotic, anti-depressant, anti-manic, sedative-hypnotic, and/or anti-anxiety purposes and which are intended to control mood, mental status or behavior of the resident.

"Qualified Health Professional (QHP)." An educator with a degree in education from an accredited program. A registered physical or occupational therapist. A physician licensed by the State of Illinois to practice medicine or osteopathy. A psychologist with a valid, current Illinois registration. A registered nurse with a valid, current Illinois registration. A registered speech pathologist or audiologist. A person with a Bachelor's Degree in one of the following areas of concentration: social work, applied sociology, applied psychology, or counseling and one year of health care experience in a health care setting. A therapeutic recreation specialist who is certified by the National Council for Therapeutic Recreation Certification. A rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.

"Qualified Mental Health Professional (QMHP)." A person who has at least one year of experience working directly with persons with mental illness and is one

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

of the following: a doctor of medicine or osteopathy; a registered nurse; a psychologist with at least a master's degree in psychology from an accredited school; or an individual who holds at least a bachelor's degree in one of the following professional categories; An occupational therapist or occupational therapy assistant certified by the American Occupational Therapy Association or other comparable body; A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body; A human services professional including, but not limited to: sociology, special education, rehabilitation counseling and psychology.

"Reassessment."--See-Assessment.

"Qualified Social Worker." An individual with a bachelor's degree in social work or two-years-of-social-work-supervised-experience-in-a-health-care-setting-working-directly-with-individuals-of-similar-professional-qualifications-a-human-services-field-including-but-not-limited-to-sociology-special-education-rehabilitation-counseling-and-psychology-and-one-year-experience-of-supervised-social-work.

"Reassessment." See Assessment.

"Registered Occupational Therapist-(ROT)"--is-a-graduate-of-an-occupational-therapy-program-of-at-least-four-years-in-length-leading-to-a-bachelor's-degree-or-its-equivalent-approved-by-DPR-and-that-person-has-successfully-completed-examination-authenticated-by-DPR-(see-11-Rev-Stat-1985-eh-117-pas-3701-et-seq.).

"Rehabilitation Nurse." A registered professional nurse who has successfully completed a course approved by the Department of Public Health or documents at least 60 hours of classroom/laboratory training in restorative/rehabilitative nursing. This training must be documented by a transcript, certificate, diploma or other written documentation from an accredited school or recognized accrediting agency such as a state or national organization of nurses or a state licensing authority.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

"Rehabilitation services." Rehabilitation services are those related professional therapy services provided by or under the supervision of licensed, certified, or registered personnel, specifically designed for a particular resident to improve the resident's functional abilities. These programs must be individually developed, have the potential to benefit the resident, and be ordered by the resident's physician. At a minimum these services must be provided by a duly qualified, certified nurse aide trained in a rehabilitation program approved by the Department of Public Aid. While there is no specific time limitation for their duration, improvement of the resident's condition should be evident in the resident's record.

"Restorative services." Restorative services are those medical and nursing treatments provided either by or under the supervision of licensed personnel specifically required to maintain or improve a resident's functional condition or prevent further deterioration. These procedures should be reviewed by the facility's interdisciplinary team at the time of the care plan review and incorporated into the care plan. Services can include passive range of motion, palliative skin care, positioning, bowel and bladder retraining, ambulation and ADL retraining.

"Skilled services." Resident requires on a daily basis the direct observation, assistance, monitoring, or performance of nursing procedures by a registered nurse or the direct supervision by a registered nurse.

"Supervise." The process of overseeing or directing either staff in the care of the resident or the resident him/herself in performing certain functional or medical tasks. In the case of residents, staff must be present either to instruct, prompt, or to make sure the resident carries out a specific task in such a manner as to complete the task or avoid injury. In the case of staff, it is either direct supervision or the giving of detailed verbal or written instructions on how to carry out a specific procedure for or on a resident.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.75 Definitions (Cont'd)

"T.E.N.S. Unit." Transcutaneous Electrical Nerve Stimulatory (used strictly for pain control).

"Transfer." The process of physically moving a resident from one place to another.

"Verification of Level of Service." Activity by the Department's staff to verify that the level of service, as indicated by the facility, is both needed and received.

"Wheelchair Cuffs." Leather cuffs for quads who need traction on wheelchair rims; fingerless leather with an abrasive strip.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 147. TABLE D Functional Needs and Restorative Care

## a) Category 1 - Bathing/Grooming

## 1) Functional Area

## A) Verification of Level of Service

- i) Kardex, flow sheet or care plan;
  - ii) Observation of resident to determine overall functional ability;
  - iii) Observation of 5-12 residents during bathing to determine level of assistance provided; and
  - iv) Need for hands-on assistance must be supported by assessment/reassessment.
- b) Needs Not Met
- i) Following supplies are not available and/or the facility does not have a method of identifying individual resident supplies. Resident supplies are not stored in a sanitary manner;

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)Section 147.TABLE D      Functional Needs and Restorative Care  
(Cont'd)

toothbrush and paste; comb; denture supplies, if appropriate; shavers or razors; washcloth and towels; and soap.

ii) Facility does not have available: clippers or scissors for nail care; individualized deodorants; and shampoos.

iii) Equipment is not: in good repair; clean; sanitized between resident use; used, as evidenced by resident's appearance.

iv) Resident has: dirty or untrimmed nails; dirty or uncombed hair; body odor; a dirty body, includes earwax build up, foreign matter crusted on eyes or mouth, etc.; lack of oral hygiene; and not been shaven (see Agency Note).

## C) Agency Note

i) Consider the time of day, i.e., right after a meal a resident may not be as clean as early morning.

ii) If the case manager determines the documented level of bathing assistance required by the facility staff is incorrect in more than 25% of the residents checked for verification, the case manager will have to check more residents for verification. (All residents in the facility may have to be checked if the facility does not give accurate information.)

iii) If resident is not shaved due to personal preference, it should be noted in the Kardex or care plan.

iv) Odor related to a medical condition or untreatable cause should not be marked NEED NOT MET, so long as the problem has been identified. The problem is documented in the clinical record and

there is an appropriately implemented treatment plan to correct or alleviate the condition.

## 2) Restorative

## A) Verification of Level of Service

i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.

iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Need Not Met

i) No assessment/reassessment in the last 90 days.

ii) Goals met and new goals not established.

iii) Restorative intervention not implemented as specified in the care plan.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course), and clinical record and care plan do not indicate staff is addressing the lack of progress.
  - vi) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.
- C) Agency Note
- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
  - ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
  - iii) Restorative program should address steps of program reflected in care plan.
  - iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
  - v) If resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
  - vi) Progress should be noted by objective documentation indicating increase in resident's functional level.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time the program should be revised.
- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- ix) An assessment should be completed identifying the resident's current level of functioning in bathing and grooming. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.
- x) Prior to a resident being given credit for restorative care in any program, the following must be met: 1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; 2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; 3) program must be reflected in the resident's care plan; 4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and 5) the program is reviewed at the time



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

## 3) Restorative Maintenance

## A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## G) Needs Not Met

- i) No assessment/reassessment in the last 90 days.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- ii) Restorative intervention not implemented as specified in the care plan.

- iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.

- iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

## B) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

## b) Category 2 - Clothing

## 1) Functional Level

## A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.

- ii) Observation of resident to determine overall functional ability.

- iii) Observation of 5-12 residents during dressing to determine level of assistance provided.

- iv) Need for hands-on assistance must be supported by assessment/reassessment.

## B) Need Not Met

When resident is:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- i) Not wearing clothing that is clean, odor-free, in good repair, well fitting, appropriate to the season, time of day and condition of the resident.
- ii) Not wearing underwear, unless contraindicated.
- iii) Not wearing socks, unless contraindicated.
- iv) Not wearing shoes or slippers, unless contraindicated.
- v) Wearing clothing visibly marked with name.

## C) Agency Note

- i) If shoes or slippers are unable to be worn due to physical disability or physician's orders, this must be documented on the Kardex or the care plan.
- ii) Consider time of day, i.e. at 4:00 p.m. clothing may not be as clean as at 8:00 a.m.
- iii) If underwear is contraindicated this must be documented on the Kardex or the care plan.

## 2) Restorative

## A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff addressing the lack of progress.
- v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.

## C) Agency Note

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address:
  - identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) Progress should be noted by objective documentation indicating increase in resident's functional level.
- vi) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.
- ix) An assessment should be completed identifying the resident's current level of functioning in dressing. The assessment should state what the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.
- x) Prior to a resident being given credit for restorative care in any program, the following must be met: 1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; 2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; 3) program must be reflected in the resident's care plan; 4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and 5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989) (1990)).

## 3) Restorative Maintenance

## A) Verification of Level of Service



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)Section 147.TABLE D Functional Needs and Restorative Care  
(Cont'd)

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.

- ii) Restorative intervention not implemented as specified in the care plan.

- iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.

- iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

## C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

## c) Category 3 - Eating

## 1) Functional Area

## A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.

- ii) Observation of resident to determine overall functional ability.

- iii) Observation of all residents to assure staff is providing assistance as indicated in the Kardex and/or flowsheet and/or care plan.

- iv) Physician order for tube feeding.

- v) Need for hands-on assistance must be supported by assessment/reassessment.

## B) Need Not Met

- i) Does not receive the assistance as indicated in the Kardex or flow sheet or care plan or as indicated by observation of the resident.

- ii) Does not receive diet as ordered, including snacks as scheduled.

- iii) Does not have adaptive devices available, if indicated in the Kardex and/or flowsheet and/or care plan, i.e. plate guards, built-up spoons and forks and clothing protectors. Adaptive

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

devices are not used appropriately as indicated in the clinical record.

- iv) Fluids not offered and/or accessible to residents between meals.

- v) Food not served at appropriate temperature; i.e. warm foods not served warm and cold foods are not served cold as evidenced by resident's response/verbalization and as confirmed by case manager observation.

- vi) Food appropriate utensils not provided/available.

- vii) Facility protocol for weighing residents not followed.

- viii) Facility not following its own protocol and/or written procedures for tube feedings.

- ix) Weight loss or gain of 5% in one month, 7.5% in three months, 10% in six months or a continuous weight loss or gain over six months not reported to the physician.

- x) Plan for corrective action regarding weight loss or gain not developed or implemented, as per physician order.

- xi) Protocols not available or followed for tube feeding.

- xii) Tube feeding not rendered by licensed personnel.

- xiii) Equipment for tube feedings is soiled or improperly maintained.

## C) Agency Note

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

Protocol must address safety, infection control procedures, I & O, frequency of weighing and should outline steps of tube feeding procedures. If protocol is in question, refer to team Physician Consultant.

## 2) Restorative

## A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist or a speech language pathologist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.

- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Need Not Met

- i) No assessment/reassessment in the last 90 days.

- ii) Goals met and new goals not established.

- iii) Restorative intervention not

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE D

Functional Needs and Restorative Care  
(Cont'd)Section 147. TABLE D  
Functional Needs and Restorative Care  
(Cont'd)

implemented as specified in the care plan.

to be carried out in Level 2 Maintenance.

- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist, speech language pathologist, or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff is addressing the lack of progress.

- vi) Progress by objective documentation indicating increase in resident's functional level.

- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program must be revised.

- v) Licensed staffs' notations of the resident's response not documented at least monthly in the clinical record.

- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.

## C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.

- ix) An assessment should be completed identifying the resident's current level of functioning in eating. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- ii) Assessment must address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits must be stated in specific terms.

- iii) Restorative program must address steps of program-reflected in care plan.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course, or a speech language pathologist; (2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently

- iv) Restorative programs are limited to residents who cannot perform functional tasks, but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.

- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

as needed based on outcome and response; (3) program must be reflected in the resident's care plan; (4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

## 3) Restorative Maintenance

## A) Verification of Level of Service

- i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist or a speech language pathologist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, speech language pathologist, or registered nurse who has successfully completed an approved rehabilitation course.

## C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

## d) Category 4 - Mobility

## 1) Functional Area

## A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of residents to determine overall functional ability and if wheelchair, walkers, or other assistive devices are available and used.

NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- iii) Residents should be observed being assisted by facility staff, as needed.
  - iv) Need for hands on assistance must be supported by assessment/reassessment.
- B) Need Not Met
- i) Resident who is not able to change position independently has not been exercised or ambulated and repositioned every two hours.
  - ii) Resident is not positioned properly.
  - iii) Assistive device is not in proper working order, and/or clean or well fitting i.e. walker, cane, wheelchair, etc.
  - iv) The facility does not have, or is not implementing, a plan for monitoring a resident who is unable to use the call bell or the call bell is not within reach of a resident in his or her room who can use the call bell.
  - v) Resident needs and does not have assistive device as ordered by a physician.
  - vi) Staff do not respond when summoned by a resident for help or assistance.
  - vii) Not following physician order on bed rest.
- C) Agency Note
- i) Residents who are totally bedfast will be scored Level 0 for mobility.
  - ii) If resident is unable to use call bell, care plan or Kardex must indicate staff plan for monitoring resident.

NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- iii) Bedrest is an order by physician that resident is to be in bed at all times, except up at intervals of no more than one hour up to three times a day, i.e. for meals in room. Scoring will be according to the assistance required and provided.
- 2) Restorative
- A) Verification of Level of Service
    - i) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
    - ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
    - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
    - iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
  - B) Need Not Met
    - i) No assessment/reassessment in the last 90 days.
    - ii) Goals met and new goals not established.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 147. TABLE D Functional Needs and Restorative Care (Cont'd)

- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) the clinical record, and care plan does not indicate staff is addressing the lack of progress.
- v) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 147. TABLE D Functional Needs and Restorative Care (Cont'd)

- vi) Progress by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time they should be revised.
- viii) Resident independent in mobility due to assistive device may qualify for ADL restorative mobility program and PT when program is to assist resident to move to a less restrictive mode of ambulation otherwise an ADL must be scored a 1 or higher.

- ix) An assessment should be completed identifying the resident's current level of functioning in bed mobility, transfer and locomotion. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; (2) a



## NOTICE OF PROPOSED AMENDMENTS

Section 147, TABLE 0

Functional Needs and Restorative Care  
(Cont'd)

assessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days and can be conducted as frequently as needed based on outcome and response; (1) program must be reflected in the resident's care plan; (4) staff involved in the restorative care programs as indicated by the plan and records; resident's response to the restorative care programs in the clinical record at least monthly; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 481.20 (1989) (1990)).

## 1) Restorative Maintenance

## A) Verification of Level of Service

1) Restorative assessment completed by an RN, who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

14) Restorative assessment/assessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

## NOTICE OF PROPOSED AMENDMENTS

Section 147, TABLE D

Functional Needs and Restorative Care  
(Cont'd)

11) Observation of this program to ensure plan as specified in the care plan is being implemented.

iv) Monthly documentation of resident response by licensed staff or assigned by licensed staff.

## ii) Needs Not Met

1) No assessment/reassessment in the last 90 days.

11) Restorative intervention not being implemented as specified in the care plan.

111) Resident is not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.

iv) Licensed nurses' notation of the resident's response is not documented at least monthly in the clinical record.

## C) Agency Note

A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

## a) Category 5 - Continence

## 1) Functional Area

## A) Verification of Level of Service

1) Assessment and care plan or assessment and Kardex.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- ii) Observation of resident to determine overall functional ability.
- iii) Staff should be observed toileting the resident as per resident assessment (Level 2 only).
- iv) Staff's mechanism to identify resident's need to toilet (Level 2 only).
- v) Need for hands-on assistance must be supported by assessment/reassessment.

## B) Need Not Met

- i) Facility not following its own protocol for a bowel and bladder program.
- ii) Resident is allowed to remain wet and/or soiled for prolonged periods of time as demonstrated by skin irritation, dried urine and/or feces stains in bed linen and/or clothing.
- iii) Resident is not thoroughly cleaned after episode of incontinence as demonstrated by smell of urine/defecation on body and clothing.
- iv) Resident found wet and/or soiled and remains wet and/or soiled thirty minutes after finding.
- v) Staff is not immediately responsive to resident's request for toileting.

## C) Agency Note

- i) For the purpose of this item, Level 2 includes informal B & B programs. Level 2 scores include residents who dribble and are assisted to the bathroom.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- ii) If unable to verify level of service through observation of residents being toileted, target 5-12 residents to determine if bed and/or clothing is wet, soiled or if odor of urine or feces is present.
- iii) Assessment as indicated means focusing on the portion of the previously completed overall resident assessment which indicates the resident's bowel and bladder capabilities. The assessment reflects the current needs of the resident.
- iv) Give zero score for resident who dribbles and changes own continence pads.

## 2) Restorative

## A) Verification of Level of Service

- i) Restorative assessment/reassessment at least every 90 days with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- ii) Observation of the program to ensure that plan is being implemented as specified in the care plan and is individualized to the resident's needs.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- B) Need Not Met
  - i) No assessment/reassessment within 90 days.
  - ii) Goal met and new goal not established.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)

- iii) Restorative intervention not implemented as specified in care plan.
- iv) Resident not meeting goal(s) established by the interdisciplinary team and the clinical record and care plan does not indicate staff is addressing the lack of progress.
- v) Staff notations of the resident response to the program is not documented at least monthly in the clinical record.
- vi) Not following facility protocol.
- vii) Has not established facility protocol.

## C) Agency Note

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment addresses identification of resident's deficit areas and causes such as medications, mental status, ability to control urine, self-care abilities, mobility, voiding/elimination patterns/hydration baseline, history of urinary tract infection and the strengths and deficits should be stated in specific terms.
- iii) Facility protocol should include types of incontinence, assessment, plan, implementation measures, evaluation techniques, staff training and monitoring.
- iv) Restorative program and approaches should be reflected in the care plan.
- v) Restorative programs are limited to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)

residents whose assessment has determined that there is a reasonable likelihood of increasing his or her functional level.

- vi) If resident, after initial improvement, fails to continue to increase his/her functional ability, credit will still be given as long as restorative program continues to be carried out (Level 2 Maintenance).
- vii) Progress should be noted by objective documentation indicating increase in resident's functional level as compared to initial baseline and/or most recent assessment.
- viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.
- ix) Resident must be scored a Level 2 (in functional area) in order to qualify for a corresponding ADL Restorative Continence program.
- x) The formal program must include, but is not limited to, training/counseling, voiding and elimination pattern records, toileting and hydration.
- xi) The training program does not have to be hands-on assistance.
- xii) Give zero score for formal bowel and bladder program if facility is not following its own protocol.
- xiii) An assessment should be completed identifying the resident's current level of functioning in continence. The assessment should state what the resident is able to do independently and what assistance is required and



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)

## Section 147.TABLE D

Functional Needs and Restorative Care  
(Cont'd)

what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

least every 90 days with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.

- xiv) Prior to a resident being given credit for restorative care in any program, the following must be met: (1) an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course; (2) a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; (3) program must be reflected in the resident's care plan; (4) staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and (5) the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

## 3) Restorative Maintenance

## A) Verification of Level of Service

- i) Restorative assessment/reassessment at

- ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

## B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Staff notation of the resident's response to the program not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the interdisciplinary team, unless the regression is justified and/or the facility has attempted alternative methods.
- v) Not following facility protocol.
- vi) A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

## f) Category 6 - Psychosocial/Mental Status

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- 1) Verification of Level of Service
  - A) Observation of actual intervention, i.e. if group, observe group; if 1:1 counseling, observe session; if episodic intervention, observe if possible.
  - B) Completed assessment identifying resident's current psychosocial needs.
  - C) Staff assessing and implementing programs must be knowledgeable of the individual resident's current program.
  - D) Care plan with specific intervention to address identified resident's needs with measurable objectives.
  - E) Resident's response to care plan is documented in the clinical record monthly by staff responsible for the program.
  - F) QHP is monitoring psychosocial program as evidenced by signing off on the assessment and response notes, with written recommendations as appropriate in the clinical record.
  - G) Attendance sheets for scheduled 1:1 and group sessions.
  - H) Program plan for scheduled 1:1 and group sessions.
  - I) Episodic intervention and response to intervention is documented in the clinical record every other week.
- 2) Need Not Met
  - A) Resident is not meeting goal(s) established by QHP or staff responsible for the program. Progress notes or care plan does not indicate staff is addressing the lack of progress.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE D Functional Needs and Restorative Care (Cont'd)

- B) Care plan is not adhered to. The resident attended less than 85% of these sessions in the last three months and the clinical record does not indicate resident absence was due to illness or absence from the facility.
  - C) Groups are larger than eight.
  - D) Group programs or 1:1 have no program plan.
  - E) Groups or 1:1 counseling meet less than three times a week.
  - F) Documentation of resident's response to intervention is not in the clinical record every month for 1:1 and groups by staff monitoring the program.
  - G) QHP is not monitoring psychosocial program as evidenced by absence of signing off on assessment and response notes and there are no written recommendations, as appropriate in the clinical record.
  - H) Episodic intervention and resident response to the intervention is not documented every other week in the clinical record.
  - I) The assessment for episodic behavior does not include the duration, intensity and frequency of behavior or the precipitating factors and consequences.
- 3) Agency Note
    - A) Prior to a resident program being given credit for psychosocial/mental status, the following must be met: An assessment should be completed identifying the resident's current psychosocial status. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE D Functional Needs and Restorative Care  
(Cont'd)

anyone reading the assessment and progress notes can tell whether the individual has progressed or regressed. For episodic intervention, an assessment must include duration, intensity and frequency of behavior. The assessment for episodic behavior must also include precipitating factors and consequences. A reassessment is conducted as indicated in the initial plan. A reassessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response. A program must be reflected in the resident's care plan. Staff carries out the program as indicated by the plan and records such in the clinical record at least monthly. The program is reviewed at the time of the care plan meeting by the interdisciplinary team. (The care plan review is required by 42 CFR 483.20 (1989)(1990)).

- B) Psychosocial assessments and program plans must be completed by staff and signed off on by a QHP who has a working knowledge of the current psychosocial programs being implemented with the individual resident.
- C) Interview questions to the staff assessing and implementing programs would include, but are not limited to, the following:
- i) What program(s) is the resident on?
  - ii) Why is the resident in the program?
  - iii) What is the resident's goal(s)?
  - iv) What is your responsibility in implementing this program (interventions)?
  - v) What is the resident's response to the intervention?

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE D Functional Needs and Restorative Care  
(Cont'd)

- vi) If the goal is not achieved, what modifications have been made?
- D) If counseling occurs in groups, individuals must have similar problems and goals.
- E) Progress should be noted by objective documentation indicating an increase in functional capability and/or decrease in maladaptive behavior. These measurable objectives and goals should be clearly indicated on the resident's care plan.
- F) Programs consisting solely of episodic intervention should be reserved for resident with severe behavior problems that preclude participation in more structured programs.
- G) The care plan must be interdisciplinary with approaches as appropriate to the individual resident's need.

## Category 7 - Communication

- 1) Verification of Level of Service
  - A) Assessment.
  - B) Monthly response documented and cosigned by qualified health professional.
  - C) Interventions developed and implemented by the interdisciplinary team.
  - D) Interdisciplinary care plan interventions.
  - E) Observation of interventions performed.
- 2) Need Not Met
  - A) Staff not carrying out interventions as defined in interdisciplinary care plan.
  - B) Clinical record does not indicate resident response to intervention monthly by



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE D Functional Needs and Restorative Care  
(Cont'd)

qualified health professional cosignature.

- 3) Agency Note
- A) Approved appliances and assistive devices, including application and care of the appliance, are covered in the appliance category.
  - B) Interventions must have a comprehensive, seven day a week philosophy and must be implemented at each opportunity on a daily basis.
  - C) Interventions must be monitored by interdisciplinary team.
  - D) Staff should receive in-service training, as required.
  - E) Interventions must be conducted on an individual resident basis.
- (Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 147.TABLE E Service

## a) Category 1 - Appliances

## 1) Verification of Level of Service

- A) Physician order
- B) Care plan or Kardex
- C) Documentation must include:
  - i) Type of appliance;
  - ii) When to apply; and
  - iii) Care/maintenance.
- D) Observation of resident wearing appliance

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

and indication that staff assists either with application and/or cleaning or maintenance.

- 2) Need Not Met
  - A) Physician has ordered appliance and facility has not complied with physician order.
  - B) Appliance is not in use as indicated by observation.
  - C) Appliance does not fit properly.
  - D) Appliance is dirty.
  - E) Appliance is nonfunctional and clinical record does not indicate date of dysfunction or plans for correction.
- 3) Agency Note
 

No physician order necessary for appliances resident has on admission, i.e., eyeglasses, dentures.

## b) Category 2 - Catheterization

## 1) Verification of Level of Service

- A) Physician order
- B) Care plan or flowsheet or Kardex.
- C) Observation of resident noting type of catheter.
- D) Documentation must include:
  - i) Type of catheter;
  - ii) Care and maintenance;
  - iii) Frequency of intermittent catheterization; and

NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE E Service (Cont'd)

iv) Output for indwelling catheter.

2) Need Not Met

- A) Facility does not have protocols for catheterization and catheter care.
- B) Facility not following its own protocol or physician order for catheterization, catheter care or I & O.
- C) Signs of inflammation at insertion site or penile irritation from Texas catheter without clinical record reflecting date of observation; plan of care indicated.
- D) Tubing and/or bag improperly positioned and/or maintained.
- E) Urine sedimentation or urine not clear and clinical record does not indicate observation and subsequent plan of action.
- F) Catheterization rendered by nonlicensed personnel.

3) Agency Note

- A) Protocol must address when intake or output is required.
- B) Protocol must address infection control.
- C) Intermittent catheterization means daily catheterization.
- D) Urine sedimentation would include blood, mucus and/or other matter.
- F) Leg bags can be applied by CNA trained in process when allowed by facility protocol.
- G) Facility protocol should address:
  - i) Ongoing inservice education of direct care staff; and

NOTICE OF PROPOSED AMENDMENTS

Section 147.TABLE E Service (Cont'd)

ii) Ongoing monitoring of technique of direct care staff.

c) Category 3 - Pressure Ulcer Treatment

1) Verification of Level of Service

- A) Physician's order
  - B) Care plan or Treatment Plan
  - C) Observation of pressure ulcer
- 2) Need Not Met
- A) Resident has a pressure ulcer and the facility is not addressing with treatment or preventative program.
  - B) Clinical record does not reflect current wound status.
  - C) Specific treatment plan not being followed.
  - D) Treatment not implemented by licensed personnel.
  - E) Facility does not have or follow protocol for pressure ulcer management including notification of physician when pressure ulcer develops or when change in pressure ulcer occurs. Management program must include a resident assessment which addresses the following points:

- i) Turning and positioning;
- ii) Nutritional support;
- iii) Nutritional assessment;
- iv) ROM;
- v) Supportive devices; and
- vi) Infection control.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## 3) Agency Note

## A) Staging of pressure ulcers:

- i) Stage 1-I - A persistent area of skin redness (without a break in the skin) that does not disappear when pressure is relieved.
- ii) Stage 2-II - A partial thickness loss of skin layers that presents clinically as an abrasion, blister or shallow crater.
- iii) Stage 3-III - A full thickness of skin is lost, exposing the subcutaneous tissues, presents as a deep crater with or without undermining adjacent tissue.
- iv) Stage 4-IV - A full thickness of skin and subcutaneous tissue is lost, exposing muscle and/or bone.

B) A Stage 1-I pressure ulcer can be suspected if a reddened area does not disappear 30 minutes after pressure is relieved.

C) The skin of a Stage 2-II ulcer may appear bluish or dusky in color.

D) Conditions that may be confused with pressure ulcers: stasis ulcers; vasculitic ulcers; amputation stump breakdown; other open skin lesions such as basal cell carcinomas, burns, etc.; skin rashes, including diaper rash; and fungal infections.

E) Score PROM, if it is being carried out according to the guidelines under PROM.

F) Admission or risk assessment must indicate where pressure ulcer developed.

## d) Category 4 - Pressure Ulcer Prevention

## 1) Verification of Level of Service

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- A) Assessment to indicate level of risk and reassessment per preventative plan.
- B) Preventative plan is in care plan.
- C) Observation of the resident to verify that the preventative plan is being carried out.

## 2) Need Not Met

- A) Individualized pressure ulcer preventative plan is not in care plan.
- B) Skin is not intact or signs of breakdown are present and the clinical record does not indicate observation and subsequent change of treatment plan.
- C) Preventative treatment plan not implemented.
- D) Facility is not following pressure ulcer preventative policy and procedures.
- E) Frequency of reassessments must be at least every 90 days, or more frequently if condition changes.

## 3) Agency Note

## A) Preventative plan must address:

- i) Frequency of observations of skin condition and documentation in the clinical record; and
- ii) Which type of staff should provide this care.
- B) Assessment instruments must be standardized and must differentiate between moderate and high risk.
- C) Score PROM if it is being carried out according to the guidelines under PROM.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- D) If an individualized preventative plan is in question, refer to team physician.

## e) Category 5 - Wound Care

## 1) Verification of Level of Service

- A) Physician's order  
 B) Treatment plan, care plan, Kardex or treatment sheet.  
 C) Observation of wound and treatment being given.

## 2) Need Not Met

- A) Treatment not implemented using aseptic technique or as indicated in physician's order.  
 B) Care not performed by licensed personnel.  
 C) Wound present with no indication facility staff is aware of wound.  
 D) Clinical record does not reflect current status of the wound.  
 E) Physician is not notified of wound or change in wound status.  
 F) Frequency of the documentation and observation of the wound status is not addressed in the individual treatment plan.  
 G) No facility policy and procedure for wound care, including infection control.  
 H) Infection control procedures not followed as per facility policy.

## 3) Agency Note

- A) Wound care (treatment of skin lesion, other than a pressure ulcer) may include wet

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

packs, soaks, whirlpools for open lesions, or ointments when ordered by a physician and applied to lesions.

- B) "Friction burns" or abrasions resulting from repetitive friction are included in this category as are stasis ulcers, rashes, skin tears.

- C) Frequency of the documentation and observation of the wound status must be addressed in treatment plan until the wound is healed.

## f) Category 6 - Injections

## 1) Verification of Level of Service

- A) Physician order  
 B) Nurse's signature or initials must follow documentation of administration of injection.

## 2) Need Not Met

- A) Facility not following physician order.  
 B) Injection site not documented or injection not documented as given.

- C) Injection site not free of signs of inflammation/irritation and the clinical record does not reflect this observation and there is no subsequent plan of action.

- D) Injection site not rotated according to facility protocol or facility has no protocol for rotation of injection sites.

## 3) Agency Note

- A) Yearly injections not included, i.e., flu shots, mantoux, etc.  
 B) Credit is given for all other injections if

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

the service is received within the last six months.

## g) Category 7 - Intravenous Therapy: I.V.s and Clysis

## 1) Verification of Level of Service

## A) Physician's order

B) Nurse's signature or initials on medication or treatment record.

## 2) Need Not Met

A) Insertion site not free of inflammation and the clinical record does not reflect this observation and a subsequent plan of care.

B) I.V. tubing and dressing changes not done in accordance with facility's protocol.

C) Facility does not have protocols for I.V.s or clysis.

D) Facility does not follow it's own protocol on I.V.s or clysis.

E) I.V. fluids or medications not documented as given per physician orders.

F) Intake and output not recorded and monitored while on I.V. therapy.

## 3) Agency Note

A) If I.V. is for hydration purposes, the clinical record should include documentation as to p.o. hydration attempts and resident's poor response.

B) Credit is to be given for I.V.s or clysis if the service was received within the last six months.

C) Hickman Catheter, Groshong Catheter and heparin locks are included in this category.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

## h) Category 8 - Laboratory-Specimen Service

## 1) Verification of Level of Service

## A) Physician order.

B) Documentation that specimen was obtained by staff.

C) Lab results conveyed to physician according to facility protocol.

## 2) Need Not Met

A) Specimen not collected at specified times.

B) Facility has no lab protocol.

C) Staff does not adhere to facility's protocol for subsequent actions following receipt of laboratory report.

D) Physician orders lab and facility does not complete.

E) Site from which specimen is drawn not rotated according to facility protocol or facility has no protocol for rotation of sites.

## 3) Agency Note

## A) Protocol should address:

i) Level of staff who will collect each type of specimen;

ii) How specimens should be stored prior to testing;

iii) How licensed staff is informed of results of lab specimens collected by unlicensed staff; and

iv) How licensed staff document action taken with specimen results.

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## Section 147.TABLE E Service (Cont'd)

- B) Routine voided specimens are scored here.
- C) A physician referral should be made when a case manager questions whether lab work is necessary.
- i) Category 9 - Medications/Medication Monitoring
- 1) Verification of Level of Service
- A) Physician order
- B) Nurse's signature or initials on the medication record following administration of medicine.
- C) Monthly documentation of pharmacist's review.
- D) Assessment/reassessment at least every 90 days with program noted on care plan (Level 2 only).
- E) Monthly documentation of resident response to self-medication program or psychotropic drug program by licensed nursing staff (Level 2 only).
- 2) Need Not Met
- A) Facility does not have a protocol for self-medication or psychotropic drug management.
- B) Facility has not established medication protocol.
- C) Facility does not follow medication protocol as established.
- D) PRN medication given and reason for administration and response is not documented.
- E) Clinical record does not indicate resident's allergy, if applicable.

- F) Resident not given adequate hydration following ingestion of medications unless medications given with solids.
- G) Medication not documented as given and no documentation of reason medication was withheld held.
- H) Medication not given within one (1) hour of scheduled time.
- I) Medication monitoring is not consistent.
- J) Medicated patches and topical medications are not rotated.
- K) On comprehensive assessment, the resident indicated a preference for self-medication (documented in clinical record) but the staff did not place the resident in a program for self-medication or self-medication training and the clinical record does not reflect the interdisciplinary team's reason for denial of self-medication (Level 2 only).
- L) Resident is self-medicating or on a training program for self-medication. Clinical record does not reflect monthly documentation of resident response to program; OR medication is not stored properly; OR medications are not documented as self-administered on medication administration record (Level 2 only).
- M) Not following program plan as indicated on care plan (Level 2 only).
- N) Not following protocol for self-medication administration (Level 2 only).
- O) Not following protocol for psychotropic management program (Level 2 only).
- P) No monthly note by licensed nurse for



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

self-medication or psychotropic drug management program (Level 2 only).

## 3) Agency Notes

- A) While there is no specific time limit on the duration of med monitoring, there must be evidence that the resident has not stabilized.
- B) Medications are scored the day of the survey unless a routine pattern has been established, i.e., every three days or every other day.
- C) Monitoring for injections is covered under the injections category.
- D) If the case manager wants verification from team physician as to whether special monitoring is necessary, mark physician referral.
- E) Example of "off hours or by multiple routes":
  - i) Oral medication given at 10 a.m., 3 p.m., 7 p.m., and 11 p.m.;
  - ii) Eye drops administered in left eye in the morning, in addition to oral medications; and
  - iii) Application of topical medications, i.e., nitro pads, nitro paste, estrogen patches, etc., or the use of an oral inhaler, i.e., Provental, Alupent, Aerobid, etc.
- F) If resident is now free of psychotropic drugs as a result of the drug reduction program, he/she may continue to be scored a Level 2. The monthly progress note should address symptoms/alternate behavior interventions as well as resident response to the program.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- G) Credit should be given on Level 2 for self-medication when the program includes teaching the steps which lead to increased resident independent with regard to medications, i.e., the resident knowing the times of different medications, identifying the correct medication by sight and by purpose or name, knowing side effects to report to the doctor or nurse, physically taking the medication, etc.
- H) Psychotropic medications shall not be administered for purposes of discipline or staff convenience and when not required to treat the resident's medical symptoms.
- I) To qualify for a psychotropic drug program (Level 2), at least the following elements must be in place:
  - i) Annual assessment with quarterly assessment reviews to reexamine need for dosage and type of medications to be given.
  - ii) Care plan goals/approaches which include behavioral programming and dose reduction. Behavioral programming means modification of the resident's behavior and/or the resident's environment, including staff approaches to care, to the largest degree possible to accommodate the resident's behavioral disturbances.
  - iii) Quarterly care plan review to determine if modifications are necessary.
  - iv) Monthly review by pharmacist to look at resident response to the medications to detect problems, i.e., excessive PRN usage, demonstration of side effects, nontherapeutic blood levels, etc., and report such to DON and/or physician.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 147. TABLE E  
Service (Cont'd)

- v) Ongoing observation and at least monthly documentation of resident reaction to medication(s) including possible side effects or other problems by licensed nursing staff.
- J) Not all psychotropic medications are appropriate for dose reduction or behavioral programming and, therefore, would not qualify for scoring under Level 2.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

- P) Facility protocol for psychotropic drug programs should include, but is not limited to, graduated dose reduction ~~ex-and~~ behavioral programming, unless clinically contraindicated, in an effort to discontinue these drugs.

Table A. Antipsychotic (Neuroleptic) Drugs

Generic Name	Brand Name
Chloropromazine	Thorazine
Promazine	Sparine
Triflupromazine	Vesprin
Thioridazine	Mellaril
Mesoridazine	Serentil
Acetophenazine	Tindal
Perphenazine	Trilafon
Loxapine	Loxitane
Molindone	Moban
Trifluoperazine	Stelazine
Thiothixene	Navane
Fluphenazine	Prolixin, Permitil
Deconate	Prolixin Deconate
Haloperidol	Halgol
Haloperidol	
Deconate	
Droperidol	Haldol Deconate
Chlorpromoxene	Inapsine
Pimozide	Taractan
	Orap

Table B. Antidepressant Drugs

Generic Name	Brand Name
<b>CYCLIC ANTIDEPRESSANT</b>	
Imipramine	Tofranil
Desipramine	Norpramin
Doxepin	Adapin, Sinequan
Amiripryline	Elavil, Triavil
Nortriptyline	Aventyl, Pamelor
Amoxapine*	Asendin
Maprotiline	Ludiomil
Fluoxetine	Prozac

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

Table B. Antidepressant Drugs

Generic Name	Brand Name
TRIAZOLOPYRIDINE ANTIDEPRESSANT	Desyrel
MAO INHIBITORS+	
Phenelzine	Nardil
Tranlycypromine	Parnate
PHENYLAMINOKETONE	
Bupropion	Wellbutrin
* Also a neuroleptic drug with all the neuroleptic side effects.	
+ Special diet required; many drug interactions.	

Table C. Antianxiety and Hypnotic Drugs

Generic Name	Brand Name
BENZODIAZEPINES	
Oxazepam	Serax
Lorazepam	Ativan
Alprazolam	Xanax
Chlorodiazepoxide	Librium
Diazepam	Valium
Chlorazepate	Tranxene
Flurazepam	Dalmane
BARBITURATES	
ANTIHISTAMINES	
Hydroxyzine	Vistaril
OTHER	
Bupirone	Buspar
Table D. Antimanic	
Generic Name	Brand Name
Lithium Carbonate	Eskalith
	Lithonate
	Lithane
	Lithotabs

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

Table D. Antimanic

Generic Name	Brand Name
Lithium Citrate	Lithobid (slow release) Eskalith CR (controlled release) Cibalith-S
Serum lithium determinations recommended once or twice weekly during treatment of acute manic episode until serum concentrations and patient's clinical condition have stabilized; recommended at least every 2 to 3 months during remission when patient is stabilized.	

Table E. Antipsychotics should not be used if one or more of the following is/are the only indication(s):

- Wandering
- Simple pacing
- Crying out, yelling or screaming if such behaviors do not cause an impairment in functional capacity or if they are not quantitatively documented by the facility
- Poor self care
- Restlessness
- Impaired memory
- Anxiety
- Depression
- Insomnia
- Unsociability
- Indifference to surroundings
- Fidgeting
- Nervousness
- Uncooperativeness
- PRN use greater than 5 doses in a seven day period without a review of the resident's condition by a physician
- Unspecified agitation



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## Section 147.TABLE E Service (Cont'd)

- R) Psychotropic drugs refer to drugs which are used for antipsychotic, antidepressant, antimanic, sedative-hypnotic and/or antianxiety purposes and which are intended to control mood, mental status or behavior of the resident.
- j) Category 10 - Occupational Rehabilitative Services
- 1) Verification of Level of Service
- A) Physician order
- B) Assessment and program planned by the therapist.
- C) Observation of ~~G0FA~~COTA/L or rehabilitation aide conducting therapy sessions.
- D) Monthly review of progress documented by the ~~{R0F}-QTR/L~~ or, if written by the ~~G0FA~~COTA/L, co-signed by the ~~{R0F}-QTR/L~~.
- E) Assessment every 90 days.
- F) Corresponding ADL or psychosocial (for MI diagnosis) program has been developed and implemented.
- 2) Need Not Met
- A) When plan is not implemented as specified by the therapist.
- B) Goals are not designed to increase resident's functional capabilities.
- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
- D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not

- E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position.

## 3) Agency Note

- A) Reimbursement for this item includes assessment done by ~~registered-R0F~~ QTR/L.
- B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable ~~R0F-QTR/L~~ objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.
- G) Prior to a resident being given credit in occupational rehabilitative services, the following must be met:
- i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

the intervention must be recorded in the clinical record.

- ii) The occupational rehabilitation aide must be a certified nurse's aide, or have a related degree, or two years of college in a related field, or an approved 36 hour activity course and has received specified training as outlined and approved by the Department of Public Aid.

- iii) For residents with a diagnosis of mental illness, if occupational rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.

## k) Category 11 - Physical Rehabilitation Services

## 1) Verification of Level of Service

- A) Physician order.
- B) Assessment and program planned by the therapist.
- C) Observation of PTA or rehabilitation aide conducting therapy sessions.
- D) Monthly review progress documented by the RPT-PT or, if written by the PTA, co-signed by the RPT-PT.
- E) Assessment every 90 days.
- F) Corresponding ADL program or psychosocial (for MI diagnosis) program has been developed and implemented.

## 2) Need Not Met

- A) When plan is not implemented as specified by the therapist.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- B) Goals are not designed to increase resident's functional capabilities.
- C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
- D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility.
- E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position.

## 3) Agency Note

- A) Reimbursement for this item includes assessment done by registered PT.
- B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of at least 25% of the residents in therapy, verifying services were delivered.
- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable PT objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes.
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- G) Prior to a resident being given credit in physical rehabilitation services, the following must be met:
- i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
  - ii) The physical rehabilitation aide must be a certified nurse aide, or have completed at least one year of nurses training and have received specified training as outlined and approved by the Illinois Department of Public Aid.
  - iii) For residents with a diagnosis of mental illness, if physical rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.
- 1) Category 12 - Passive Range of Motion (PROM)
- 1) Verification of Level of Service
- A) Care plan or Treatment Sheet.
  - B) Observation of resident to determine overall ability to use extremities.
  - C) Observation of staff actually performing PROM and indication that plan is carried out regularly and routinely.
  - D) Residents with existing contractures must have physician's orders although PROM for most residents does not require a physician's order.
  - E) Monthly documentation of resident's response to intervention in clinical record.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- Documentation may be done by the staff providing the service.
- 2) Need Not Met
- A) Facility has no PROM protocol.
  - B) The plan as indicated on the care plan or Treatment Sheet is not being implemented and documented.
  - C) Documentation of resident's response to intervention is not documented in clinical record at least monthly.
  - D) Resident has contractures or is at risk of developing contractures that are not being addressed.
- 3) Agency Note
- A) PROM that is also part of a pressure ulcer treatment and/or prevention program will be scored in both places.
  - B) The required documentation should reflect the resident's response to treatment, i.e., resident is able to raise arm shoulder level; the resident remains contracture free.
  - C) PROM protocol must address:
    - i) On-going inservice education of direct care staff; and
    - ii) On-going monitoring of PROM technique of direct care staff.
  - D) CNA may document response to PROM if cosigned by licensed staff.
- m) Category 13 - Ostomy Care
- 1) Verification of Level of Service
    - A) Physician order



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

- B) Observation of ostomy care and a review of the treatment plan.
- 2) Need Not Met
- A) Facility does not have protocol for ostomy care.
- B) Staff does not adhere to physician's orders or facility's protocol and written procedures for ostomy care and maintenance.
- C) Excoriation observed with no indication in the clinical record and the plan of care is not altered.
- D) Care not performed by licensed personnel, other than routine change of colostomy bag.
- 3) Agency Note
- A) Colostomy bag can be changed by a CNA trained in ostomy care when allowed by facility protocol (Level 1 only).
- B) Facility protocol should address:
- i) Ongoing inservice education of direct care staff; and
  - ii) Ongoing monitoring of technique of direct care staff.
- n) Category 14 - Respiratory Therapy
- 1) Verification of Level of Service
- A) Physician order must include: delivery system, oxygen flow rate and/or frequency of IPPB treatments, postural drainage, percussion and/or vibration and use of suctioning in conjunction with these therapies, if indicated.
- B) Observation of therapy.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

- C) Documentation of procedure and results by licensed staff (Level 2).
- D) Monthly progress note by licensed staff (Level 2).
- 2) Need Not Met
- A) Facility does not have protocol for respiratory therapy.
- B) Respiratory therapy protocol is not being followed.
- C) Treatment is ordered, but not carried out as specified.
- D) Equipment soiled and/or nonfunctional or not available.
- E) Respiratory therapy not performed by licensed staff (Level 2).
- 3) Agency Note
- A) Level 1 resident is capable of administering own therapy.
- B) Level 2 resident is totally dependent upon licensed staff for administration.
- C) Protocol should address:
- i) Which staff provide which type service;
  - ii) Infection control procedures;
  - iii) Staff training required to carry out these services; and
  - iv) Frequency for assessment of respiratory status should be recorded in the clinical record.
- v) Conditions or diagnoses which are indications and contraindications for

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

the use of postural drainage, percussion and vibration.

B) Severe-if-oxygen-required-and-received-within-last-six-months--in-this-case--observation-is-not-necessary.

E)D) Intensity code scoring is to reflect current level of needs.

E) Licensed personnel who carry out postural drainage, percussion and vibration shall have ongoing in service training by a respiratory therapist.

F) The use of postural drainage, percussion and vibration is restricted to those residents who produce 30cc or more of secretions daily.

G) A physician's order for postural drainage, percussion and vibration can be for a maximum of 30 days. The physician is then required to reevaluate the resident before a new order is written.

H) Suctioning which is done in conjunction with postural drainage, percussion and vibration is not to be scored under the suctioning category.

I) The care plan for residents who are in a program of postural drainage, percussion and vibration must include a pulmonary hygiene program which includes, but is not limited to, the following:

- i) Hydration
- ii) Nutrition
- iii) Rest
- iv) Absence of environmental pollutants.

o) Category 15 - Suctioning

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

1) Verification of Level of Service

- A) Physician order.
- B) Observe treatment.

2) Need Not Met

A) Facility does not have protocol for suctioning.

B) Staff does not follow facility protocol.

C) Care not performed by licensed personnel.

D) Equipment soiled and/or nonfunctional and/or not readily available.

3) Agency Note

A) Facility's protocol should address guidelines for maintaining sterility and/or cleanliness of catheters.

B) Suctioning done during tracheostomy care is included as part of tracheostomy care. Additional suctioning must be done at other times to be scored here.

C) Review last 30 days documentation to score this section.

D) Facility-must-have-protocol-on-postural-drainage-percussion-and-vibration-Suctioning-done-in-conjunction-with-postural-drainage, percussion and vibration is not to be scored under the suctioning category.

p) Category 16 - Tracheostomy Care

1) Verification of Level of Service  
Physician order.

2) Need Not Met

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

- A) Facility has no tracheostomy care protocol.
  - B) Staff does not follow physician's order or facility's protocol for tracheostomy care.
  - C) Care not performed by licensed personnel.
  - D) An extra tracheostomy tube, the same size as the one in place, is not available at the bedside.
  - E) Tracheostomy care is not documented.
  - F) Equipment soiled and/or nonfunctional and/or not readily available.
- 3) Agency Note
- A) Protocol should address:
    - i) Training licensed staff must have prior to providing this service;
    - ii) Guidelines for infection control;
    - iii) Frequency for observations of ostomy site and respiratory status should be recorded in the clinical record; and
    - iv) Guidelines for maintaining sterility and/or cleanliness of catheters.
  - B) Only suctioning done during tracheostomy care is scored here.
- g) Category 17 - Discharge Planning
- 1) Verification of Level of Service
    - A) Care plan.
    - B) Indication plan is being followed.
  - 2) Need Not Met
 

Plan not being followed.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE E Service (Cont'd)

- 3) Agency Note
- A) Discharge must be to less restrictive environment, i.e., shelter care, room and board or independent living arrangements and anticipated within three (3) months.
  - B) Credit may be given for discharge planning if the service was received within the last six (6) months.
- r) Category 18 - Health & Fitness Program
- 1) Verification of Level of Service
    - A) Fitness card
    - B) Observation of program to see that the plan is being carried out as written on the fitness card.
  - 2) Need Not Met
    - A) Health and Fitness program developed by unlicensed staff.
    - B) Plan not carried out.
    - C) Equipment required to carry out fitness program, as required on the fitness card, is soiled and/or nonfunctioning, or is not available.
    - D) The resident's response to intervention is not documented in the clinical record once a month.
    - E) Groups are larger than six (6) unless activity is a team sport.
- 3) Agency Note
- A) The program may also be developed by an Occupational Therapist, Physical Therapist, Certified Therapeutic Recreation Specialist, a Physician or Psychiatrist.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- B) Do not score when resident does not carry out fitness program an average of three (3) times per week.
  - C) Activity programs including exercises must be separate and apart from health and fitness.
  - D) Fitness programs must address all extremities, unless contraindicated.
  - E) Unlicensed staff may document response to Health and Fitness Program if cosigned by licensed staff.
- s) Category 19 - Restraint Management and Reduction
- 1) Verification of Level of Service
    - A) Physician order
    - B) Assessment/reassessment at least every 90 days with program noted on care plan
    - C) Observation of resident
    - D) Monthly documentation of resident response cosigned by licensed staff
  - 2) Need Not Met
    - A) A resident is physically restrained and there is no documentation of consultation with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehabilitation certified registered nurse, in the use of less restrictive supportive devices or methods.
    - B) Protocol not developed for restraint reduction and restraint management.
    - C) The resident is physically restrained and there is no documentation of consultation and agreement by the resident, family, if

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

- D) appropriate, guardian or legal representative to the use of restraints. A resident is physically restrained and there is no assessment/documentation to justify restraint.
- E) The restrained resident is not released at least every two hours for at least ten minutes, repositioned and exercised and/or ambulated and/or toileted and/or checked for skin redness and/or given nutrition/hydration as required.
- F) Restraints are not applied according to physician order.
- G) Resident restrained without physician order.
- H) Restraint reduction program not implemented as specified in care plan.
- I) Resident not meeting goals of the restraint reduction program and the clinical record does not indicate that the staff is addressing the lack of progress.
- J) Resident response to restraint or reduction program is not documented in the clinical record at least monthly, reassessment not completed every 90 days, or not cosigned by licensed staff.
- K) Restraint device is not clean, found to be in ill repair, or improperly sized.
- L) Restraint device is not properly applied.
- M) Facility not following protocol for care application, maintenance and reduction of each type of restraint used.
- N) A resident placed in restraint is not checked at least every 30 minutes by staff trained in the use of restraints.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## 3) Agency Note

- A) Residents who are free of restraints because of alternative programming are still eligible for scoring on Level 1, providing the quarterly reassessment continues to indicate that the specific staff intervention is needed to maintain the resident free of restraints, the need and intervention is specified in the care plan, and monthly documentation of resident response to intervention continues.
- B) This item cannot be scored and a need not met can be given if:
- i) There is no physician order for the use of a restraint and the resident is restrained; OR
  - ii) The restrained resident is not in a restraint program and the restraint is improperly applied; OR
  - iii) The restrained resident is not in a restraint program and is not released at least every two hours for at least ten minutes, repositioned and exercised and/or ambulated and/or toileted and/or checked for skin redness and/or given nutrition/hydration as required.
- C) The facility must not issue orders for restraint on a standing or as needed basis.
- D) Assessment includes, but is not limited to:
- i) Reason for use of the restraint.
  - ii) Documentation of attempts made (if any) in ways of using less restrictive measures and why they were unsuccessful.
  - iii) Address communication needs and functional abilities.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## E) Care plan includes, but is not limited to:

- i) Alternative interventions used in place of restraints.
  - ii) If restraint must be used, include: reason for use of the restraint; type(s) of restraint used; duration and time of day restraint is used; location of resident when restrained, i.e., own room in bed, chair in hall, etc.; and under what circumstances are restraints being used, i.e., when left alone, after family leaves, when not involved in structured activity, when eating.
- iii) Address communication needs and functional abilities.
- F) Monthly response note should address functional and mental status of resident before, during and after use of restraints. Documentation of attempts made in ways of using less restrictive measures and why they were unsuccessful.
- G) Physician order should include:
- i) Reason for restraint;
  - ii) Length of time restraint is to be used; and
  - iii) Type of restraint to be used.
- H) A resident should be released from restraints as soon as there is no longer a need.
- I) A resident should not be physically or chemically restrained for the purpose of discipline or staff convenience.
- J) Restraint usage should be periodically reevaluated and efforts to eliminate use of restraint should be attempted and documented

## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE E Service (Cont'd)

## Section 147.TABLE G Therapy Services (Cont'd)

in the clinical record. When the restraint usage is reevaluated, the functional status of the resident should be reviewed to ensure that no loss of function has occurred as a result of restraint usage. If a loss of function can be attributed to the use of the restraint, the facility should take prompt action to review restraint use with the physician to discuss alternative treatment.

resident's functional means of communication and/or ability to swallow.

- E) Treatment sessions should be one-on-one; however, groups of two are acceptable if residents' goals and functional levels are similar.

- b) Category - Physical Therapy and Related Rehabilitative Services

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

- 1) Verification of Level of Service

## Section 147.TABLE G Therapy Services

- a) Category - Speech Language Pathology and Audiology (SLP/A) Rehabilitative Services

- A) Physical Therapy I

~~ii) Physician order.~~

~~iii) Observation of PT conducting therapy sessions.~~

- 1) Verification of Level of Service

~~iii) Physical therapist's (PT) documentation of resident's progress toward goals monthly.~~

- B) Assessment.

~~iv) Assessment by PT.~~

- C) Speech Pathologist's or Audiologist's treatment notes.

- B) Physical Therapy II

- D) Monthly Reevaluation.

i) Physician order.

- 2) Agency Note

- ii) Physical therapy program planned by PT.

- A) The nurse must verify the accuracy of this record by checking the clinical record of 25% of the residents in treatment, verifying both that services were delivered and progress was made. If progress was not made, only allow two months of treatment.

iii) Observation of PTA conducting therapy sessions.

- iv) Physical Therapist Assistant (PTA) documentation of resident's progress toward goals monthly.

v) PT reviews and cosigns PTA's documentation of progress monthly.

- C) Progress must be noted by standard speech therapist/audiologist objective measures.

vi) Assessment by PT.

- D) Goals must be designed to increase

- 2) Agency Note



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE G Therapy Services (Cont'd)

- A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments indicated below.
- i) PT 1 - 2 Weeks
  - ii) PT 2 - 3 Weeks
- B) If progress was made, therapy can continue.
- C) Progress should be noted by standard acceptable PT objective.
- D) Staffing ratios for therapies is PT 1 - 1:1.5 (per 98 minutes) and PT 2 - 1:1.5 (per 98 minutes).
- c) Category - Physical Therapy Assessment
- 1) Verification of Level of Service
    - A) PT written assessment.
    - B) Program designed by PT to increase resident's functional level.
    - C) Therapist's signature on assessment and reassessment.
    - D) A reassessment of progress and program as indicated in the restorative program by PT.
    - E) Documentation, by the nursing department, in the clinical record of resident's response to the interventions.
  - 2) Agency Note
    - A) Assessment time is included in minutes allotted for level 1, 2 and 3 therapies.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE G Therapy Services (Cont'd)

- B) Assessment time is limited to 28 minutes per resident per month.
- d) Category - Occupational Therapy and Related Rehabilitative Services
- 1) Verification of Level of Service
    - A) Occupational Therapy I
      - i) Physician order.
      - ii) Observation of ~~REF~~-~~OTR/L~~ conducting therapy sessions.
      - iii) Registered-occupational-therapist's-~~{REF}~~-Occupational therapist-registered/licensed (~~OTR/L~~) documentation of resident's progress toward goals monthly.
      - iv) Assessments by-~~REF~~ ~~OTR/L~~.
    - B) Occupational Therapy II
      - i) Physician order.
      - ii) Occupational therapy program planned by ~~REF~~ ~~OTR/L~~.
      - iii) Observation of ~~OTA~~-~~COTA/L~~ conducting therapy sessions.
      - iv) Certified occupational therapy assistant/licensed ~~{OTA}~~(~~COTA/L~~) documentation of resident's progress toward goals monthly.
      - v) ~~REF~~-~~OTR/L~~ reviews and cosigns ~~OTA~~'s-~~COTA/L~~'s documentation of progress monthly.
      - vi) Assessment by-~~REF~~ ~~OTR/L~~.
  - 2) Agency Note

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE G Therapy Services (Cont'd)

- A) The nurse must verify the accuracy of this record by checking the clinical records of 25% of the residents in therapy, verifying both that services were delivered and progress was made. If progress was not made, only allow the length of treatments as indicated below.

- i) OT 1 - 2 Weeks  
ii) OT 2 - 3 Weeks

- B) If progress was made, therapy can continue.

- C) Progress should be noted by standard acceptable OT objective measures.

- D) Use of Paraffin Heat Treatments, Fluidotherapy, whirlpool may be scored when ordered by physician and carried out.

- E) Staffing ratios for therapies is OT 1 - 1.5 (per 98 minutes) and OT 2 - 1:1.5 (per 98 minutes).

## e) Category - Occupational Therapy Assessment

- 1) Verification of Level of Service

- A) Physician order.

- B) RPT-QTR/L written assessment.

- C) Program designed by resident's functional level.

- D) Therapist's signature on assessment and reassessment.

- E) A reassessment of progress and program as indicated in the restorative program by RPT-QTR/L.

- F) Documentation, by the nursing department, in the clinical record of resident's response to the interventions.

## NOTICE OF PROPOSED AMENDMENTS

## Section 147.TABLE G Therapy Services (Cont'd)

## 2) Agency Note

- A) Assessment time is included in minutes allotted for level 1, 2 and 3 therapies.

- B) Assessment time is limited to 28 minutes per resident per month.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 147.TABLE L Personal Information

Indicated below are requirements and corresponding time frames which must be met by Long Term Care facilities and will be verified by the case manager during the Inspection of Care survey.

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
1) Plan of care	Y - The plan of care is up-to-date according to the time frame:  SNF - a physician and facility personnel must review each plan at least every 90 days or as needed.  ICF - a physician and facility personnel must review the plan at least every 90 days or as needed.	At the time of admission, the physician initially establishes the plan of care through the history, physical exam, functional level, objectives, orders and plans for continuing care and discharge. This includes the resident care plan.

N - The plan of care is not up-to-date.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE 1 Personal Information (Cont'd)

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
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- 2) Physician's certification/recertification
- Y = The physician certified at the time of admission and recertified according to the time frame.
- SNF - 30/60/90 days after initial certification, and every 60 days thereafter.
- ICF - 60 days/180 days/12 months/18 months/24 months after initial certification, every 12 months thereafter.
- ICF-DD - every 12 months after initial certification.

N = Resident not initially certified or recertified at required intervals.

Certification if after the date of admission and if no eligible date is on 2448; or

Eligible date is before signature date; or

No Recipient Identification Number and/or no Case Identification Number.

- 3) Physician's progress notes/visits
- Y = Progress notes for skilled care must be updated once every 30 days for the first 90 days following admission. After the first 90 day period has passed, an alternate review schedule

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 147. TABLE 1 Personal Information (Cont'd)

ITEM	CODING SPECIFICATIONS	AGENCY NOTE
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- 3) Physician's progress notes/visits (cont'd)

may be adopted. Alternate review schedules of progress notes must not exceed 60 days. A physician visit is considered timely if it occurs not later than 10 days after the date the visit was required.

Y = Progress notes for intermediate care must be updated once every 30 days for the first 90 days after admission and at least once every 90 days thereafter. A physician visit is considered timely if it occurs not later than 10 days after the date the visit was required.

N = Progress notes not updated within required intervals listed above.

- 4) Physician's medication review

Y = Physician has reviewed medications within the last 30 days for SNF and 90 days for ICF residents.

N = Physician has not reviewed medications at required intervals.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Health and Hazardous Substances Registry2) Code Citation:

77 Ill. Adm. Code 840

3) Section Numbers:

840.20

840.115

840.210

840.215

840.305

840.310

840 Appendix B

Exhibit A

Illustration A

Exhibit B

Illustration B

840 Appendix C

Exhibit B

Proposed Action:

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Repealer

New Section

Repealed

Amendment

4) Statutory Authority:

Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6701 et seq.), Section 55.3(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 55.3(b)), "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2101 et seq.), and the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1301 et seq., specifically par. 1307).

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate system is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes \_\_\_ No X7) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X

If "yes," please specify the date: \_\_\_

8) Does this Rulemaking Contain any Incorporations by Reference? Yes \_\_\_ No X

If "yes," please specify type: 6.02(a) \_\_\_ or 6.06(b) \_\_\_

9) Are there any Other Proposed Amendments Pending on this Part? Yes \_\_\_ No X

If yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will not require additional expenditures by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- B) Type of Small Businesses Affected:  
Clinical laboratories, ambulatory surgical treatment.
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
Cancer registry forms, occupational disease registry.
- D) Types of Professional Skills Necessary for Compliance:  
Healthcare professional.

The full text of the Proposed begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES  
PART 840  
ILLINOIS HEALTH AND HAZARDOUS  
SUBSTANCES REGISTRY  
SUBPART A: GENERAL REGISTRY PROVISIONS

Section	Purpose
840.5	Definitions
840.10	Incorporated Materials
840.20	Availability of Registry Information
840.30	Administrative Hearings
840.40	Quality Control
840.50	Fee Assessment
840.60	

## SUBPART B: ILLINOIS STATE CANCER REGISTRY

Section	
840.100	Entities Required to Submit Information
840.110	Information Required to be Reported
840.115	Methods of Reporting Cancer Registry Information
840.120	Quality Control (Repeated)

## SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

840.200	Entities Required to Submit Information
840.210	Adverse Pregnancy Outcomes Information Required to be Reported
840.215	Methods of Reporting APORS Information

## SUBPART D: OCCUPATIONAL DISEASE REGISTRY

840.300	Entities Required to Submit Information (Occupational Disease Component)
840.305	Information Required to be Reported
840.310	Methods of Reporting Occupational Disease
840.315	ISCR Incidence Report Form
840.320	Forms and Instructions for APORS Reporting
840.325	Instructions for Completing the Infant Discharge Record
840.330	Infant Discharge Record (Repeated)
840.335	Instructions for Completing Maternal Supplement
840.340	Maternal Supplement Abstract (Repeated)

## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## 840. Appendix C

Exhibit A Forms and Instructions for Occupational Disease Registry Instructions for completing the Laboratory Based Report of Adult Blood Lead Analysis

Exhibit B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form)

Illustration A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above

Illustration B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above

Illustration C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6701 et seq.), Section 55.31b of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55.31b), "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2101 et seq.), and the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1301 et seq., specifically par. 1307).

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## SUBPART A: GENERAL REGISTRY PROVISIONS

## Section 840.20 Incorporated Materials

a) The following materials are incorporated and referenced in this Part:

1) State of Illinois Statutes

A) Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6701 et seq.) (See Sections 840.5, 840.10 definition of "Act.")

B) "AN ACT relating to the prevention of developmental disabilities" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2101 et seq.) (See Section 840.10 definition of "Perinatal Act.")

C) Section 55.316 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 55.316).

D) Lead Poisoning Prevention Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1301 et seq.).

E) Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 157-8.1 et seq.) (See Section 840.10 definition of "Ambulatory Surgical Treatment Center.")

F) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 621-101 et seq.) (See Section 840.10 definition of "Clinical Laboratory.")

G) Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) (See Section 840.10 definition of "Hospital.")

H) Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.) (See Section 840.306).

I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the "Medical Studies Act" (Ill. Rev. Stat. 1987, ch. 110, par. 8-2101 et seq.) (See Section 840.30 (g) and 840.200 (a)).

J) State Records Act (Ill. Rev. Stat. 1987, ch. 116, par. 43.4 et seq.) (See Section 840.30 (h)).

K) Vital Records Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 73-1 et seq.) (See Section 840.210 (e)).

## 2) State of Illinois Regulation:

A) Freedom of Information Code (2 Ill. Adm. Code 1126) (See Section 840.30 (a)).

B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 840.40).

C) Hospital Licensing Requirements (77 Ill. Adm. Code 250) (See Section 840.215 (b)).

D) Regionalized Perinatal Care (77 Ill. Adm. Code 640) (See Section 840.200 (a) and 840.215 (b)).

## 3) Federal Rules

A) 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b1 (See Section 840.30 (b) and



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

840.110 (f)).

- B) 29 CFR 1910.1025 (See Section 840.10 definition of "Emergency Removal of Worker With an Elevated Blood Lead Level" and 840.30).

## 4) Other Guidelines and Materials

- A) International Classification of Diseases, 9th Revision Clinical Modification, World Health Organization, Geneva, Switzerland (1986) (See Section 840.10 definition of "ICD-9-CM.")
- B) International Classification of Diseases for Oncology, 1990 4976, World Health Organization, Geneva, Switzerland (See Section 840.115).

- b) All citations to federal regulation in this Part concern the specified regulations in the 1989 Code of Federal Regulations, unless another date is specified.

- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ILLINOIS STATE CANCER REGISTRY

## Section 840.115 Methods of Reporting Cancer Registry Information

- a) All patients identified at a reporting facility, whether as an inpatient or outpatient, who meet one of the two following criteria are reportable to the Registry:

- 1) Patients with a newly diagnosed cancer, who have within six months after diagnosis, received cancer directed treatment or refused treatment.

AGENCY NOTE: Because of the possibility of one patient being diagnosed or treated in more than one facility, it is necessary to make the determination if the patient is still classified as "newly diagnosed." For example, if a patient is first diagnosed and definitively treated in Hospital A in February, 1986, but was then referred to Hospital B in April, 1986, for further definitive treatment for that cancer, that patient would be a reportable case for Hospital A and B.

- 2) Patient with cancer diagnosed through autopsy.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- b) A patient is considered to have a malignant neoplasm when a licensed physician, or dentist, indicates that he/she does. Otherwise, the following terminology, when applied to a malignancy, shall be interpreted as indicating involvement by a cancerous tumor:

- 1) Probable,
- 2) Consistent with,
- 3) Compatible with,
- 4) Suspected,
- 5) Extension or invasion 'to', 'onto', 'into', 'out onto',
- 6) Most likely,
- 7) Presumed,
- 8) Cannot rule out,
- 9) Apparently,
- 10) Suspicious.

- c) The following terminology, when applied to a malignancy, shall be interpreted as indicating non-involvement by a cancerous tumor:

- 1) Questionable,
- 2) Possible,
- 3) Suggests,
- 4) Equivocal,
- 5) Rule Out,
- 6) Very Close To,
- 7) Worrisome.

- d) Determination of whether or not a given primary tumor is reportable shall be made by reference to the morphology codes (M-codes) of the Second Edition

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## INTERNATIONAL CLASSIFICATION OF DISEASES FOR ONCOLOGY (ICD-O).

- e) The specified cases of tumorous or precancerous diseases which shall be reported to the Registry are:
- 1) benign intracranial tumors, and
  - 2) other conditions which the facility wishes to report.
- f) Cases of basal or squamous cell neoplasms of the skin (i.e., ICD-O codes C44.0-C44.9 ~~T43.0-T43.9~~ with M8050 through M8110) shall only be reported when located in the following areas: penis, scrotum, anus, eyelid, and muco-cutaneous junctions of the lips, labia and vulva.
- g) There are two mechanisms by which a reporting facility can report cancer cases. These depend on whether or not the reporting facility maintains a cancer program and tumor registry:
- 1) **OPTION #1.** Facilities that maintain a cancer program and a tumor registry shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These facilities shall code the shaded boxes for primary site and morphology and shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology.
  - 2) **OPTION #2.** All other facilities shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These reporting facilities shall staple the patient's cancer-confirming pathology report to the incidence report form shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology and shall not code the primary site or morphology.
- h) All reporting facilities are responsible for complete casefinding, which means identifying all first time reported cancer patients and completing an incidence report form for the Registry. Casefinding techniques shall be implemented through the review of the clinical record and pathology and cytology reports.
- 1) Any patient's clinical record identified with any of the following ICD-9-CM Diagnosis Codes by the Medical Record Department shall be reviewed for reportability to the Registry:
    - 2)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- |    |             |   |
|----|-------------|---|
| A) | 140-208     | Malignancies (1° & 2°).   |
| B) | 211.8       | Mesothelioma of Peritoneum.                                     |
| C) | 212.3       | Adenoma of lung or bronchus.                                    |
| D) | 212.4       | Mesothelioma of Pleura.   |
| E) | 230-234     | Carcinoma-in-situ - all sites.                                  |
| F) | 235-238     | Neoplasms of uncertain behavior.                                |
| G) | 239         | Neoplasms of unspecified nature.                                |
| H) | 273.1       | <del>Monoclonal Gammopathy</del>                                |
| I) | 273.2       | <del>Alpha Heavy Chain Disease</del>                            |
| J) | 273.3       | Waldenstrom's macroglobulinemia.                                |
| K) | 279.9       | <u>Unspecified Disorder of Immune Mechanism</u>                 |
| L) | V10.0-V10.9 | Personal history of malignant neoplasms.                        |
| M) | V58.0       | Radiation therapy for malignancy.                               |
| N) | V58.1       | Maintenance chemotherapy.                                       |
| O) | V66.1       | Convalescence following radiotherapy.                           |
| P) | V66.2       | Convalescence following <u>radiation therapy chemotherapy</u> . |
| Q) | V67.1       | Follow-up exam following radiation therapy.                     |
| R) | V67.2       | Follow-up exam following chemotherapy.                          |
| S) | V76         | Special screening for malignant neoplasms.                      |
- All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) Any conflict of interpretation of cancer incidence shall defer to the clinician's determination.
- i) All reporting facilities shall submit the incidence report form(s) on a monthly basis as described below:
  - 1) All facilities with names beginning with the first letter of A-G shall report during the 1st week of the month.
  - 2) All facilities with names beginning with the first letter H-N shall report during the 2nd week of the month.
  - 3) All facilities with names beginning with the first letter S shall report during the 3rd week of the month.
  - 4) All facilities with names beginning with the first letter O-Z (excluding S) shall report during the 4th week of the month.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

## Section 840.210 Adverse Pregnancy Outcomes Information Required to be Reported

- a) Every hospital shall participate in the Adverse Pregnancy Outcomes Reporting System by reporting each adverse pregnancy outcome incident to the Department.
- b) An adverse pregnancy outcome incident consists of any infant which meets one of the criteria set forth below prior to discharge from newborn hospitalization:
  - 1) Discharge from a patient care unit or bassinets(s) designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours);
  - 2) Diagnosis of a positive urine toxicology for any drug and/or showing signs of drug toxicity or withdrawal;
  - 3) Diagnosis with a congenital anomaly as defined by ICD-9-CM codes, ranging from 740.0 to 759.9;
  - 4) A serious congenital infection;
    - A) syphilis (ICD-9-CM 090)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- B) congenital infections (ICD-9-CM 771)
- 5) An endocrine, metabolic or immune disorder,
  - A) hypothyroidism (ICD-9-CM 243),
  - B) adrenogenital syndrome (ICD-9-CM 255.2),
  - C) inborn errors of metabolism (ICD-9-CM 270 to 273),
  - D) cystic fibrosis (ICD-9-CM 277.0), and
  - E) immune deficiency disorder (ICD-9-CM 279.2);
- 6) A blood disorder;
  - A) leukemia (ICD-9-CM 204 to 208),
  - B) hereditary hemolytic anemias (ICD-9-CM 282),
  - C) constitutional aplastic anemia (ICD-9-CM 284), and
  - D) coagulation defects (ICD-9-CM 286);
- 7) Other conditions;
  - A) neurofibromatosis (ICD-9-CM 237.7),
  - B) retinopathy of prematurity (ICD-9-CM 362.21),
  - C) chorioretinitis (ICD-9-CM 363.2),
  - D) strabismus (ICD-9-CM 378),
  - E) endocardial fibroelastosis (ICD-9-CM 425.3),
  - F) occlusion of cerebral arteries (ICD-9-CM 434),
  - G) fetal alcohol syndrome (ICD-9-CM 760.71),
  - H) intrauterine growth retardation (ICD-9-CM 764.9), and
  - I) cerebral lipidoses (ICD-9-CM 330.1);
- 8) A birth weight ~~birthweight~~ of less than 1501 grams; or
- 9) Diagnosis as a perinatal or neonatal death.
- 10) AGENCY NOTE: Fetal death (gestation greater than 20 weeks) is considered an adverse pregnancy outcome and will be included in the APORS database. However, fetal deaths do not have to be reported through APORS, because these deaths are already reported and compiled in the Department's Vital Records database. In addition, the products of induced abortions shall not be reported to APORS.
  - c) The APORS will also be complemented with information from the Department's Vital Records database under the Vital Records Act and other Maternal and Child Health reports and submissions.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- Section 840.215 Methods of Reporting APORS Information
- a) The Adverse Pregnancy Outcomes Reporting System consists of one form of reporting. This reporting shall be on the forms provided by the Department or through electronic means compatible with the Department's data processing system. Every hospital shall develop procedures and policies for identifying reportable infant cases to APORS. (See Appendix B, Exhibit H~~ustration~~ A).
- b) The Infant Discharge Record (Appendix B, Exhibit H~~ustration~~ A) shall be completed by the hospital providing the highest level of care and distributed within seven days of discharge (See 77 Ill. Adm. Code 250.1820 and 77 Ill. Adm. Code 640 for explanation of levels of care). The form must be typed or completed in ball point pen. In addition, all dates must be entered in numeric form.
- c) The Infant Discharge Record shall be distributed in the following manner:
- 1) The original form (white copy) of the Infant Discharge Record must be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62702-9986;
  - 2) The canary copy of each form must be sent to the Local Health Department or Health Agency in the county of the mother's residence;
  - 3) The pink copy of each form must be sent to the patient's primary care physician;
  - 4) The goldenrod copy may be retained by the reporting facility.
- d) The maternal supplement will be completed by Department field abstractors. The abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information as part of the infant's extended electronic birth certificate.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: OCCUPATIONAL DISEASE REGISTRY

## Section 840.305 Information Required to be Reported

- a) Occupational Disease Registry shall consist of information on the following occupational disease incidence(s):

- 1) Asbestosis;

- 2) Silicosis;
  - 3) Coal Worker's Pneumoconiosis, and
  - 4) Elevated Blood Lead Levels (Lead Poisoning).
- b) Information of the occupational disease incidence(s) shall be collected in two ways.
- 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.

- A) The Department will contract with the local health authorities which agree to conduct interviews with patients cases, or attending physicians as needed to assure the accuracy and completeness of reports and will perform the activities or case follow-up for elevated blood lead levels above 25 mcg/dl set forth in subsection (B).

- B) This agreement will contain requirements for the performance of the following activities or patient or case follow-up:

- i) trace the patient or case,
- ii) counsel the patient or case,
- iii) educate the patient or case, and
- iv) interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section.
- v) submit completed reports to the Department within 30 45 business days after receipt of the laboratory report for adult elevated blood lead analysis form.

- 2) Information concerning asbestosis, silicosis, and coal worker's pneumoconiosis shall be collected from existing reporting sources such as the Illinois Health Care Cost Containment Council data base through abstracts of medical records.

- c) The information to be reported shall be provided upon forms supplied by the Department. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C) The information required in this Section does not apply to data supplied through existing data base sources.

- d) All completed forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, 605 West Jefferson Street, Springfield, Illinois 62761.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- e) Each case's occupational disease incidence report form shall be sent to the Department within 7 business days of the date of laboratory results. All data received from a registered, permitted or licensed clinical laboratory or hospital laboratory sent to a local health authority in Illinois or other facility shall be submitted to the Department within 3 business days of the date it is received by the local health authority or other facility.
- f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.
- g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with patient's name and attending physician's name for the purposes of follow-up on all laboratory and existing data base reports received by the Department.
- h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department. The Department shall not require hospitals and other reporting facilities to provide information on cases which are dated more than two years before the Department's request for further information. Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 840.310 Methods of Reporting Occupational Disease

- a) All registered, permitted or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within 7 business days of receipt of results.
- b) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the specified occupational diseases shall use the terminology the Department has established. Otherwise, the following terminology shall be interpreted as indicating a reportable occupational disease:
  - 1) Probable;
  - 2) Consistent with;
  - 3) Compatible with;
  - 4) Suspected;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 5) Extension or invasion 'to', 'onto', 'into', 'out onto'.
- c) If the following terminology is used to report occupational disease specified by the Department to be collected and submitted on forms in Appendix C, it shall be interpreted as being of a nature that is not necessary for reporting to the Department:
  - 1) Questionable;
  - 2) Possible;
  - 3) Suggests;
  - 4) Equivocal;
  - 5) Rule Out;
  - 6) Very Close to; -
  - 7) Worrisome.
- d) Determination of whether or not a given condition is reportable shall be made by the use of the International Classification of Diseases - 9th Revision - Clinical Modification (ICD-9-CM) codes.
- e) The specified diagnosis of occupationally related diseases which shall be collected from existing sources data base are:
  - 1) Asbestosis, ICD-9-CM code 501,
  - 2) Coal Worker's Pneumoconiosis, ICD-9-CM code 500,
  - 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-9-CM code 984.0 - 984.9,
  - 4) Silicosis, ICD-9-CM code 502.

f) All existing reporting sources data base provided to the Department shall use these ICD-9-CM codes for the purpose in consistency of data collection.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 840. Appendix B ~~Forms and~~ Instructions for APORS Reporting  
Exhibit A Instructions for Completing Infant Discharge Record

- a) Reporting hospital and city. Print the name and city of your hospital. Do not enter the code; it will be entered by the Department.
- b) Delivery hospital and city. Print the name of the hospital or other location at which the birth occurred. For out-of-hospital births, identify the location by address or by description, e.g., "enroute to hospital". Print the city (and the state if not in Illinois) in which the birth occurred. Do not enter the code; it will be entered by the Department.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- c) Patient ID #. Enter the patient number used by your hospital which is unique to each admission. This number is usually assigned by the business office and may be different from the medical record number.
- d) (Infant's) Med Rec # (Medical Record Number). Enter the infant's medical record number.
- e) Adm date (admission date). Enter the date the infant was admitted to your facility. For deliveries which occurred within your facility, the admission date and delivery date will be identical.
- f) (Infant's) last name and first name. Print the name of the infant, last name first. The name entered here should be identical with the name on the birth certificate.
- g) Delivery (date). Enter the date of birth.
- h) AKA name (Also Known As). Print any other last name by which the infant is known.
- i) D/C Date (Discharge Date). Enter the date the infant was discharged from your facility. For infant deaths which occur within the hospital, use the date of death as the discharge date. Transfers should be treated as follows:
- 1) For an infant transferred from one unit to another within your hospital (e.g., from newborn nursery to designated patient care unit to intermediate nursery), enter the date the infant was discharged from the facility.
  - 2) For an infant transferred from a Level III hospital to either a Level II or I, or from a Level II to a Level I, enter the date of transfer.
  - 3) For an infant transferred from one Level III to another, from one Level II to another, or from one Level I to another, only the hospital providing the higher level of care completes the Infant Discharge Record (at the time of discharge from their facility).
  - 4) For an infant transferred from a Level I hospital to a Level II or III, or from a Level II to a Level III, only the higher-level facility completes the Infant Discharge Record (at the time of discharge from their facility).
- j) Sex. Check the appropriate box.
- k) Race. Check the appropriate box. Whenever possible, use the designation the parents feel is most appropriate for their infant.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- l) Hispanic. Check the appropriate box. The infant should be designated as Hispanic if either parent is identified with that ethnic group. If no information is available, then check N/A, not available. Note: Be sure to mark both "Race" and "Hispanic" for all infants. Hispanic persons may belong to any race.
- m) Diagnoses. List all infant diagnoses and/or conditions including all congenital anomalies and genetic disorders. At least one entry must be made here. Do not enter the codes; they will be entered by the Department.
- n) Delivery type. Check the appropriate box to indicate whether the delivery was a vaginal delivery or cesarean section.
- o) Gestational age (GA). Enter the number of weeks spent in utero from conception to the time of birth.
- 1) The Dubowitz Assessment of gestational age is the preferred method of determining GA.
  - 2) If the Dubowitz score is not available, record GA based on the last menstrual period (LMP).
  - 3) If GA based on LMP is not available, record GA based on general appearance of infant.
- p) Admit to a designated patient unit. Check the appropriate box to report whether the infant was admitted to a designated patient care unit. A designated patient care unit is as specified in Section 840.210(a)(1) of this Part, a unit or bassinets designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours).
- q) Consult perinatal center (infant).
- 1) Check Box 1 if an attending physician at a community hospital contacted a Perinatal Center regarding care of the infant and subsequently transferred the infant to the center.
  - 2) Check Box 2 if such a consultation was made without a transfer.
  - 3) Check Box 3 if no consultation was made.
  - 4) Check Box 9 if no information about a consultation is available.
- r) Consult perinatal center (maternal).



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Check Box 1 if an attending physician at a community hospital contacted a Perinatal Center regarding care of the mother and subsequently transferred the mother to the center.
- 2) Check Box 2 if such a consultation was made without a transfer.
- 3) Check Box 3 if no consultation was made.
- 4) Check Box 9 if no information about a consultation is available.
- s) Drug toxicity or withdrawal. Enter yes or no if there is an infant report of a urine toxicology or signs or symptoms of drug withdrawal. If yes, enter the specific drug on the line after "specify"
- t) Birth Weight ~~Birth weight~~. Enter the infant's birth weight ~~Birth weight~~ in grams.
- u) Discharge Weight. Enter the weight (in grams) of the infant at the time of discharge.
- v) Birth head (circumference). Enter the head circumference (in centimeters) of the infant at birth.
- w) Discharge head (circumference). Enter the head circumference (in centimeters) of the infant at the time of discharge.
- x) Birth length. Enter the crown-heel length (in centimeters) of the infant at birth.
- y) Discharge length. Enter the crown-heel length (in centimeters) of the infant at the time of discharge.
- z) (Mother's) last name, first name, maiden name. Print the last, first and maiden name of the infant's mother. Enter the maiden name even when it is identical with the last name. If married and maiden name is not known enter unknown.
- aa) (Mother's) Med Rec # (Medical Record Number). Enter the mother's medical record number assigned by the hospital of delivery, if available.
- bb) Father's last name and first (name). Print the name of the infant's father, if available.
- cc) Address. Print house number, street, city, and state of the infant's mother.
- dd) County. Print the name of the county in which the mother resides. Do not enter the code; it will be entered at Illinois Department of Public Health.
- ee) Zip. Enter the mother's zip code.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ff) Phone. Print the local phone number of the infant's mother, including area code.
- gg) Marital status. Check the appropriate box to indicate mother's marital status.
- hh) Gravida. Enter total number of pregnancies, including the present pregnancy, of the infant's mother.
- ii) Para. Complete each line as instructed:  
F - Number of full term births.  
P - Number of premature births.  
A - Number of abortions, spontaneous and induced.  
L - Number of living children.  
All deliveries, including the newborn, are to be included in F, P, or A. The newborn must also be included in L if discharged alive from the reporting hospital.
- jj) Age. Enter the mother's age at last birthdate.
- kk) Complications of pregnancy. Print all complications that were recorded as occurring during or as a result of the pregnancy. The following list provides examples of acute complication narratives. It is not inclusive of all pregnancy complications:  
  - 1) Chronic hypertension
  - 2) Gestational diabetes
  - 3) Juvenile onset diabetes
  - 4) Third trimester uterine bleeding
  - 5) Toxemia of all classes
  - 6) Polyhydramnios or oligohydramnios
  - 7) Thrombo-embolic disease
  - 8) Multiple pregnancy
  - 9) Inappropriate fetal growth for gestational age
  - 10) Persistent abnormal presentation
  - 11) Postdate pregnancy
  - 12) Premature rupture of membranes
  - 13) Premature labor
  - 14) Tumor or other obstruction of birth canal
  - 15) Feto-pelvic disproportion
  - 16) Active genital herpes
- ll) Discharge information.  
  - 1) Check Box 1 for infant death. List the cause of death under Diagnoses.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) (Do not use Box 2; Department will identify fetal deaths from Fetal Death Certificates.)
- 3) Check Box 3 for an infant discharged to the mother's home or to any other family setting. If the infant is discharged to a family setting other than the mother's, as shown in "Address" above, please explain in "Other Concerns" space below.
- 4) Check Box 4 to report transfer to another hospital, and specify the name and location (city) of that hospital. Do not enter the code; it will be entered at IDPH.
- 5) Check Box 5 to report discharge to any long-term care facility. Print the name and location of the facility.
- 6) Check Box 6 to report discharge to any public or private child services or welfare agency such as the Illinois Department of Children and Family Services (DCFS). Print the name and location of the agency. Send the first three copies of the Infant Discharge Record to IDPH. DO NOT distribute copies to the local health department or primary care physician.
- mm) Feedings. Check the appropriate box. If the infant is bottle feeding or on a nasogastric tube, specify formula type, frequency and amount of feeding.
- nn) Infant D/C treatment (infant discharge treatment). Print all specific treatments, excepting medications, for the infant upon discharge.
- oo) Infant medication. Print the names, dosages and route of administration of all medications the infant is receiving upon discharge.
- pp) Other concerns. Describe any other concerns -- health, social, developmental -- the local public health nurse should know about when making a home visit. If the infant was discharged to a home other than the mother's, please specify the address and the name of the caretaker.
- qq) RN contact at hospital and phone. Print the name and telephone number, including area code, of the reporting hospital nurse who can be contacted regarding the infant by the public health nurse making home visits to the patient.
- rr) Print the name of a friend, relative or other person who would know how to reach the infant's parents. Specify the exact relationship (mother, father, sister, uncle, friend, pastor) of the contact person to the infant's parents.
- ss) Address and phone. Print the contact person's house number, street name, city, state

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- and telephone number, including area code in parentheses.
- tt) Family informed of LHN visit. Check whether the family has been informed that a local public health nurse will visit their home.
- uu) LHN Agency. Print the name of the local health agency to whom the infant was referred for follow-up services. Refer to the local health agency in the county of the mother's residence. See the list of such agencies and the areas they serve, provided by the Department. Do not enter the code; it will be entered by the Department.
- vv) Current support services. Check the appropriate box(es) to indicate the social services the infant's family is receiving, or will receive upon discharge, for this infant.
- 1) Check Box 1 if the family is receiving services for this infant from a community social service agency, or if a referral for such services has been made.
- 2) Check Box 2 if the Division of Services to Crippled Children is providing services to this infant, or if a referral to DSCC has been made.
- 3) Check Box 3 if the Department of Children and Family Services is providing services to the family for this infant, or if a referral to DCFS has been made.
- 4) Check Box 4 if the family is receiving services for this infant from any other agency, or if a referral for such services has been made. Specify the agency by name.
- 5) Check Box 5 if the family is receiving no support services for this infant.
- ww) Primary care physician's name. Print the name of the infant's local primary care physician.
- xx) Signature and title. Enter your name and title.
- yy) Report date. Print the date the form is completed.
- (Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- Section 840 Appendix B ~~Forms and~~ Instructions for APORS Reporting  
Illustration A Infant Discharge Record (Repealed)
- (Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Section 840, Appendix B  
Exhibit BInstructions for APORS Reporting  
Instructions for Completing Maternal Supplement

- a) Social security number. Enter the mother's social security number. If the mother's social security number is unknown, enter 9's.
- b) Date of birth. Enter the month, day and last two digits of the mother's year of birth. If any portion of the date is missing, leave the space blank.
- c) Public funding. Check the appropriate box to indicate if public funds were used for the hospitalization of the mother or if the mother had applied for public funds during the time of hospitalization.

- 1) Check code 1 if mother's payment source is medicaid, medicare, IPA, IPAC or state funded HMO (health maintenance organization) or when application for any of these funds is documented.
- 2) Check code 2 if mother's payment source is private insurance, self pay, Champus, or HMO (other than state funded HMO).
- 3) Check code 8 if mother's medical record is not available for review.
- 4) Check code 9 when no documentation of mother's method of payment is on the medical record.

- d) Weight Chg LBS (weight change). Enter the number of pounds the mother gained or lost from the time of conception to the time of delivery. If code 8 or 9 is used, leave the number of pounds blank.

- 1) Check code 1 if number of pounds is weight gain.
- 2) Check code 2 if number of pounds is weight loss.
- 3) Check code 8 if mother's medical record is not available for review.
- 4) Check code 9 if unable to determine weight change from the mother's medical record.

- e) LMP date (last menstrual period). Enter the month, day, and last two digits of year of mother's last menstrual period. If any period of the date is missing, leave the space blank.

- f) Cigarettes used. This element is limited to the usage of tobacco. Marijuana usage is recorded in the element, mother used drugs.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Check code 1 if the mother has smoked cigarettes during this pregnancy.
- 2) Check code 2 if the mother stopped smoking during this pregnancy.
- 3) Check code 3 if the mother smoked in the past but stopped smoking prior to this pregnancy.
- 4) Check code 4 if the mother does not smoke or denies smoking.
- 5) Check code 8 if the mother's medical record is not available for review.
- 6) Check code 9 when there is no mention of cigarette usage in the medical record or when a pre-printed form with smoking or tobacco usage is blank.

## g) Alcohol used.

- 1) Check code 1 if the mother has consumed alcohol during this pregnancy.
- 2) Check code 2 if the mother has not consumed alcohol during this pregnancy.
- 3) Check code 8 if the mother's medical record is not available for review.
- 4) Check code 9 if there is no mention of alcohol consumption in the mother's medical record.

## h) Prenatal ultrasound.

- 1) Check code 1 if the mother received ultrasound, sonogram, or echogram during this pregnancy prior to delivery.
- 2) Check code 2 if the mother did not receive ultrasound, sonogram, or echogram prior to delivery. Also use this code if the record states no prenatal care, unless there is an ultrasound documented after admission and before delivery.
- 3) Check code 8 if the mother's medical record is not available for review.
- 4) Check code 9 if there is no mention of ultrasound, sonogram, or echogram in the mother's medical record.

## i) Assistance (chem stimul) (chemical stimulation).

- 1) Check code 1 if chemical stimulation was used to begin or augment labor (i.e. pitocin, oxytocin).



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

2) Check code 2 if no chemical stimulation was used to begin or augment labor, or when there is no mention of chemical stimulation.

3) Check code 8 if the mother's medical record is not available for review.

i) EFM during delivery (delivery).

1) Check code 1 if an internal monitor or transducer was used to monitor the fetus during the course of labor and delivery.

2) Check code 2 if an external monitor or transducer was used to monitor the fetus during the course of labor and delivery.

3) Check code 3 if both internal and external monitors of any type were used to monitor the fetus during labor and delivery.

4) Check code 4 if no monitoring was done during the course of labor and delivery.

5) Check code 8 if the mother's medical record is not available for review.

ii) Delivery type.

1) Check code 1 if the mother had a spontaneous vaginal delivery.

2) Check code 2 if the delivery was done with mid-low forceps.

3) Check code 3 if delivery was a vacuum extraction.

4) Check code 4 if the delivery was vaginal breach.

5) Check code 5 if a primary cesarean section was performed.

6) Check code 6 if a secondary or repeat cesarean section was performed.

7) Check code 7 if other type of delivery not listed in codes 1 through 6 was performed.

8) Check code 8 if the mother's medical record is not available for review.

9) Check code 9 if the medical record does not contain information identifying the type of delivery.

k) Mthr used drugs (mother). Record any drug use that is documented as occurring during this pregnancy.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Check code 0 if the mother has used opioid during this pregnancy.

2) Check code 1 if the mother has used barbiturate during this pregnancy.

3) Check code 2 if the mother has used cocaine during this pregnancy.

4) Check code 3 if the mother has used cannabis during this pregnancy.

5) Check code 4 if the mother has used drugs during this pregnancy that are not listed in codes 0 through 3.

6) Check code 5 if the mother has used a combination of any drugs listed in codes 0 through 3 during this pregnancy.

7) Check code 6 if the mother has not used any drugs during this pregnancy.

8) Check code 8 if the mother's medical record is not available for review.

9) Check code 9 if there is no documentation of mother's drug use during this pregnancy.

l) Mother employed while pregnant.

1) Check code 1 if the mother was employed at anytime during this pregnancy.

2) Check code 2 if the mother was unemployed during this pregnancy.

3) Check code 8 if the mother's medical record is not available for review.

4) Check code 9 if there is no indication of the mother's employment status.

m) Occupation (mother's). Enter the title of the mother's current or most recent occupation regardless of what the mother has done over her lifetime. If the current or most recent occupation is unknown, enter unknown. If the mother is currently unemployed, but her most recent occupation is known, enter the title of her most recent occupation.

n) Industry (mother's). Enter the industry by which the mother is currently or was most recently employed. Industry is any branch of trade, business, or manufacturing. If the industry cannot be defined, enter the name and address of the company.

o) Father employed.

1) Check code 1 if the father was employed.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) Check code 2 if the father was unemployed.
- 3) Check code 8 if the mother's medical record is not available for review.
- 4) Check code 9 if the father's employment status is unknown.
- p) Occupation (father's). Enter the title of the father's current or most recent occupation regardless of what the father has done over his lifetime. If the current or most recent occupation is unknown, enter unknown. If the father is currently unemployed, but his most recent occupation is known, enter the title of his most recent occupation.
- q) Industry (father's). Enter the industry by which the father is currently or was most recently employed. Industry is any branch of trade, business, or manufacturing. If the industry cannot be defined, enter the name and address of the company.
- r) Mother's diagnoses. Record the narrative of the mother's diagnoses from the delivery medical record.

(Source: Added at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 840, Appendix B  
Illustration B

Forms and Instructions for APORS Reporting  
Maternal Supplement Abstract (Repealed)

(Source: Repealed at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 840, Appendix C  
Exhibit B

Forms and Instructions for Occupational Disease Registry  
Instructions for Completing the Health Department Follow-Up Report  
of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and  
Above (Local Health Authorities will use this form.)

The follow-up form should be completed for all persons 16 years of age and older having had a blood lead test done and analyzed at 25 mcg/dl or higher. Information from this form will be matched with the laboratory report of adult elevated blood lead level analysis form.

1. ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.

2. DATE OF REPORT: Enter the month, day and year the form is being completed, e.g., 08/03/1989. Use two digits for month and date and four digits for the year.

3. HEALTH DEPARTMENT FOLLOW-UP: If not already computer printed, enter the name of the health department completing the report, e.g., Cook County Health Department.

## CASE DATA

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

4. NAME: Information for the case name will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct or complete the information at the time of the case interview.

- LAST NAME: Enter the complete last name of the case.
- FIRST NAME: Enter the complete first name of the case.
- MIDDLE INITIAL: Enter the middle initial of the case.
- MAIDEN NAME: If applicable, enter the maiden name of the case.

ADDRESS: If available, information for the case address will ~~can~~ be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct, or complete the information at the time of the case interview. All elements refer to domicile, i.e., the address from which the case may lawfully register to vote if proper age is attained.

- NUMBER: Enter the number of case's current street address.
- DIRECTION: Enter the direction which appears in the case's current street address, e.g., North, West.
- STREET NAME: Enter the name of the case's current street address.
- APARTMENT NUMBER: If applicable, enter the apartment number of the case's current address.
- TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.
- LOCATION: If applicable, enter the location of the street address, e.g., N.E., N.W.
- CITY: Enter the complete name of the city where the case currently is domiciled.
- STATE: Enter the two digit state abbreviation where the case currently is domiciled.
- ZIP CODE: Enter the five digit zip code where the case's currently domiciled address applies.
- COUNTY NAME AND CODE: Enter the name of county where the case is domiciled. The Illinois Department of Public Health will enter the county code of the case's current address.

## PERSONAL DATA



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

5. **PHONE NUMBER:** Enter case's telephone number (area code and seven digit number). Enter slashes if unknown.
6. **SOCIAL SECURITY NUMBER:** Enter the case's nine digit social security number. If unknown, enter slashes in the boxes provided.
7. **DATE OF BIRTH:** Enter the case's month, day and year of birth, e.g. 08/03/1989. Use 2 digits for month & date and 4 digits for year.
8. **SEX:** Enter the case's sex in the box. Mark 1 if male, 2 if female, and 3 if other (includes hermaphrodites and instances of definitive sex changes), and 9 if unknown.
9. **RACE:** Enter the case's race in the box. Mark 1 if White, 2 if Black, 3 if Asian American/Pacific Islander, 4 if American Indian/Alaskan Native, 5 if other and identify what type on the line provided and box 9 if unknown.
- Black is defined as a person having origins in any of the black racial groups of the original people of Africa, and is not of Hispanic origin.
- Asian American or Pacific Islander is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, i.e., China, Korea, the Philippine Islands or Samoa.
- American Indian or Alaskan Native is defined as a person having origins in any of the original peoples of North America and who maintains culture identification through tribal affiliation or community organization.
- White is defined as a person who is considered to be Caucasian.
10. **HISPANIC ORIGIN:** Hispanic is not considered a race. It is an ethnicity. Enter the appropriate number in the box identifying whether or not case is Hispanic. Mark 1 for yes, if yes, specify ancestry on line provided, mark 2 for no, and mark 9 for unknown. Hispanic Origin includes all Mexican, Puerto Rican, Cuban, South or Central America, and other Spanish people. Brazilians and Portuguese are not considered of Hispanic origin.
11. **NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING IN THE CASE'S HOUSEHOLD:** Enter the appropriate number of children living in the case's household in the box provided.
12. **CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS:** If the case or other in household is pregnant at the time the elevated blood level sample is taken indicate by entering a 0 for not applicable (N/A), 1 for yes, if not pregnant enter a 2 for no, or if unknown enter a 9.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

13. **TRIMESTER OF PREGNANCY:** If the case or other in household is pregnant at the time the elevated blood level sample is drawn enter the trimester by marking 1 for first, 2 for second, 3 for third. If not applicable, enter 0 do not complete this element.

## CASE OCCUPATION DATA

14. **OCCUPATION:** Enter the type of occupation which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.
15. **INDUSTRY:** Enter the type of industry which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.
16. **IF CASE OR OTHER IN HOUSEHOLD IS PREGNANT, LIST CASE'S OCCUPATION DURING: (if applicable)**
- Prior 3 months: Enter type of occupation case held 3 months before pregnancy. The Illinois Department of Public Health will complete the code.
- 1st Trimester: Enter the type of occupation case held at 1st trimester of pregnancy. The Illinois Department of Public Health will complete the code.
- 2nd Trimester: Enter the type of occupation case held at 2nd trimester of pregnancy. The Illinois Department of Public Health will complete the code.
- 3rd Trimester: Enter the type of occupation case held at 3rd trimester of pregnancy. The Illinois Department of Public Health will complete the code.

17. **CASE REMOVED FROM WORK ENVIRONMENT:** Enter 1 for yes - case was removed from work environment or 2 for no - case was not removed from work environment. Enter 9 if it is unknown whether case was removed from work environment.

## CASE EMPLOYER DATA

18. **COMPANY NAME AND ADDRESS:** Enter the name of the case's current or most recent employer at the time the blood test was drawn. The Illinois Department of Public Health will complete the code.

## EMPLOYER'S ADDRESS (The work site of the case):

- NUMBER:** Enter the number and direction of the case's current or most recent employer.
- STREET NAME:** Enter the street name of the case's current or most recent employer.
- CITY:** Enter the complete name of the city of the case's current or most recent employer.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

STATE: Enter the two letter abbreviation of the state (see attached list) of the case's current or most recent employer.

ZIP CODE: Enter the five digit zip code of the case's current or most recent employer.

COUNTY NAME AND CODE: Enter the county name of the case's current or most recent employer. Illinois Department of Public Health will complete the county codes.

19. EMPLOYER'S PHONE NUMBER: Enter the telephone number of the case's current or most recent employer (includes area code and seven digits).

SIGNATURE LINE: Enter the name (first and last) of the person completing the report. Enter the title of the person completing the report. Record on the line provided the date the completed report is mailed.

Mail completed form within 30-45 business days upon receipt of the Adult Elevated Blood Lead

Report to: Illinois Department of Public Health

Division of Epidemiologic Studies

Occupational Disease Registry

605 W. Jefferson Street

Springfield, IL 62761

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers:

150.410	<u>Proposed Action:</u>
150.420	Amendment
150.430	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 121, par. 307.8 and 307.10
- 5) A Complete Description of the Subjects and Issues Involved:

150.410 - The Merit Board voted to extend the promotional cycle from eighteen (18) to twenty-four (24) months. This change will allow the Board to develop test instruments in one fiscal year and implement these test instruments in the next fiscal year. The extension of the process by six months will result in significant cost savings in the upcoming fiscal year.

150.420 - The same promotional test is given for both the State Trooper and Special Agent classification, therefore the Board voted to eliminate the verbage stating there were separate examinations.

150.430 - After a thorough review of the promotional process, the Board voted to abbreviate the assessment center process by conducting an assessment exercise for Lieutenant. The Board eliminated the explanation of the assessment center and the standardization of scores. The Board also clarified the rules by explaining how the total promotional score is calculated for the ranks of Lieutenant, Captain and Major.
- 6) Will these proposed amendments replace any Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: Not Applicable

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within fourteen (14) days of the date of publication of this Notice, any interested person may request the opportunity to submit comments, data, views or arguments regarding the proposed amendments. The request and submissions must be in writing and directed to: Mr. James E. Seiber, Executive Director, Department of State Police Merit Board, 2425 Stevenson Drive, Springfield, Illinois 62703. The Board will consider any written submission or comments if the request to comment is mailed within fourteen (14) days of the date of publication of this Notice, and is received in writing by the Board within thirty (30) days of the date of publication of this Notice.

- 12) Initial Regulatory Flexibility Analysis: The Department of State Police Merit Board has determined that this rulemaking will not affect small business.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

## CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

## PART 150

## PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

## SUBPART A: DEFINITIONS

Section  
150.10 Definitions

## SUBPART B: CERTIFICATION FOR APPOINTMENT

Section  
150.210 Qualifications  
150.220 Selection Procedures  
150.230 Recertification  
150.240 Probationary Period

## SUBPART C: CLASSIFICATION OF RANKS

Section  
150.310 Ranks  
150.320 Interdivisional Transfers

## SUBPART D: CERTIFICATION FOR PROMOTION

Section  
150.410 Board Responsibilities  
150.420 Eligibility  
150.430 Procedures  
150.440 Promotion Probationary Period (Repealed)

## SUBPART E: DISCIPLINARY ACTION

Section  
150.510 Merit Board Jurisdiction  
150.520 Discipline Afforded the Deputy Director  
150.530 Notification to Suspended Officer

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF PROPOSED AMENDMENT(S)

150.540 Petition for Review  
 150.550 Form and Content of Petition for Review  
 150.560 Filing Procedures  
 150.565 Procedure for Processing Petition for Review  
 150.570 Director's Review  
 150.575 Discipline Afforded the Director  
 150.580 Complaint Procedures  
 150.585 Scheduling the Hearing  
 150.590 Notification to Officer

## SUBPART F: HEARINGS

150.610 Board Docket  
 150.620 Hearing Officer  
 150.630 Pre-hearing Conferences  
 150.640 Motions  
 150.650 Subpoenas  
 150.655 Request for Witnesses or Documents  
 150.660 Evidence Depositions  
 150.665 Hearing Procedures  
 150.670 Continuances and Extensions of Time  
 150.675 Computation of Time  
 150.680 Decisions of the Board  
 150.685 Service and Form of Papers

## Appendix A Vision Standards

## Appendix B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of "AN ACT in relation to the Department of State Police" (Ill. Rev. Stat. 1989, ch. 121, pars. 307.3 through 307.14 and 307.8.)

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendments at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendments at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF PROPOSED AMENDMENT(S)

to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985 at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991, amended at \_\_\_ Ill. Reg. \_\_\_, effective

## SUBPART D: CERTIFICATION FOR PROMOTION

## Section 150.410 Board Responsibilities

The Board shall make certifications for promotion on the basis of job performance measurement, seniority, education, and written and/or oral examination. Examinations for promotion will be given at least every ~~eighteen~~ <sup>four</sup> twenty-four (24) months with notification of time and location to be provided in the promotional announcement.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)

## Section 150.420 Eligibility

Candidates will be eligible to take the promotional examination only for that rank immediately above the candidate's permanent rank ~~and, depending upon their primary assignment, either within the State Police Officer or Special Agent classification.~~ In addition,

- They shall have served in the Department for at least one (1) year from the date of their employment;
- They shall be considered for promotion only after serving the required minimum of one (1) year in their permanent rank;
- Sworn officers on leave of absence or disability leave at the time the promotional screening process is initiated are not eligible. The process is initiated when the deadline for responding to the examination announcement has passed.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_)





DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT(S)

will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.

- j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_\_\_)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- |                             |                        |
|-----------------------------|------------------------|
| 1) The Heading of the Part: | General Provisions     |
| 2) Code Citation:           | 23 Ill. Adm. Code 2700 |
| 3) Section numbers:         | Proposed Action:       |
| 2700.10                     | amendment              |
| 2700.20                     | amendment              |
| 2700.30                     | amendment              |
| 2700.40                     | amendment              |
| 2700.50                     | amendment              |
| 2700.55                     | amendment              |
| 2700.60                     | amendment              |
| 2700.70                     | amendment              |

- 4) Statutory Authority: Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2700.20 now defines consortium agreement and remedial courses as they are used later within ISAC Rules. Section 2700.30(e) specifies that advanced payment requests are due on the same date as other information that is reported annually to ISAC. Section 2700.30(e)(3) deletes obsolete references to the Naval Militia which no longer exists in Illinois. Section 2700.55 establishes ISAC's authority to set guidelines for school and lender participation in the electronic data exchange programs and delineates the criteria by which the agency will evaluate applications to participate in these programs.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2700

## GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	

**AUTHORITY:** Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

**SOURCE:** Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 15 Ill. Reg. \_\_\_\_\_, effective 1992.

## Section 2700.10 Summary and Purpose

a) The purposes of the Illinois Student Assistance Commission (ISAC) include:

1) Improving postsecondary educational opportunities for eligible students through the centralized administration of Illinois student assistance programs; and

2) Coordinating Illinois student assistance programs with those of the United States Department of Education (ED).

b) This Part establishes general Rules and definitions that apply to all student assistance programs administered by ISAC, except to the extent that subsequent Parts may qualify these general provisions.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Defined terms are indicated by the first letter being capitalized.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.3).

"Concurrent Registration" - The contemporaneous maintenance of enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).

"ED" - The acronym for the United States Department of Education.

"Eligible Non-citizen" - For the purposes of these Rules, eligible non-citizen is defined as non-citizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091) (1989) This definition does not include any later amendments or editions.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Executive Director" - The chief executive officer of ISAC.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Robert T. Stafford Loan Program, the PLUS Program, the Supplemental Loans for Students (SLS) Program, or the Consolidation (unlabeled) Loan Program.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1087vv) (1989) A non-independent student is referred to as a dependent student. This definition does not include any later amendments or editions.

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 30-15.3 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.3) to administer the State's student assistance programs.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

"Parent" - For the purpose of these Rules, "Parent" is defined at 34 CFR 668 (1989). This definition does not include any later amendments or editions.

"Pell Grant" - A gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1070a et seq.)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Regular School Year" - An eight to nine month period of time which includes two semester Terms or three quarter Terms. The regular school year excludes summer Terms and special-Terms. Programs that begin after April 15 and before August 16 are considered summer Terms.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A non-independent student is a Resident of Illinois if a Parent of the dependent-Applicant physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such enlistment.

An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such missionary service.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. (1989) and by these Rules. This definition does not include any later amendments or editions.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2700.30 General Institutional Eligibility Requirements

- a) Program Participation Agreement
  - 1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance programs.
  - 2) The Program Participation Agreement shall identify ISAC programs under which the Institution's students may receive benefits.
  - 3) The Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.
  - 4) The Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790.
- b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their Enrolled recipients.
- c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures. See: 23 Ill. Adm. Code 2790.
- d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard/Naval Militia Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their Tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic Year.
  - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for student assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.
- 3) The National Guard/Naval-Militia Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).
  - A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.
- 8B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.
- h) Postsecondary Institutions may apply to participate in ISAC Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.
  - 1) The Commission approves participation in ISAC student assistance programs for an Institution rather than for specific academic programs within an Institution.
    - A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC administered benefits.
    - B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 2) Prior to applying for participation in ISAC programs, the institutional Applicant must have authority to operate a postsecondary Institution in Illinois. See: 23 Ill. Adm. Code 1030.
- 3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC student assistance programs provided the Institution meets the requirements of subsections (i)(4)(C) & (D).
- 4) Institutional Applicants which do not meet the requirements of subsection (i)(3) shall be approved to participate in ISAC student assistance programs if the Institution has:

- A) obtained candidate status for North Central accreditation.
- B) applied for and is seeking degree-granting authority.
- C) obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions. The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. See: 23 Ill. Adm. Code 2735.60.

D) an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.

- 5) Once approved to participate in ISAC student assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.
- A) On or before June 1 preceding each Academic Year, an Institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other Institutions for the following Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.

- B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (i)(3) and if there are no outstanding audit exceptions.

- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary Institutions shall have a valid Program Participation Agreement with ED. See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an Applicant with a defaulted Guaranteed Loan or a defaulted Perkins Loan, (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for future terms may be reinstated in accordance with the following provisions:
  - A) Eligibility for ISAC Guaranteed Loans will be reinstated when the debt has been paid in full.
  - B) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

- 2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one Term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(B), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

- b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: ISAC-administered Gift Assistance, Pell Grant, or a Supplemental Educational Opportunity Grant (SEOG) [20 U.S.C.A. 1070(b)].

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. See: Section 2700.50. Failure to supply adequate documentation shall will result in the denial of student assistance benefits.
- d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) All Applicants must submit their Social Security Number.
- f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.
- g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.
- h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.
- 1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.
- 2) For each Term of half-time payment benefits, one-half of the above eligibility units is assessed.
- 3) Sixty eligibility units are the equivalent of payments for ten semester/fifteen quarters of full-time benefits.
- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 and 23 Ill.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Adm. Code 2733, an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.
- b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.
- d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.
- e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.
- f) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.
- 1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:
- A) the Applicant has changed dependency status and has become an Independent student; or

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (See Section 2700.30) during the preceding twelve months; or
- C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.
- 2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.
- 3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one or more of the documents listed below may provide proof of residency. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.
- A) Illinois High School transcript
  - B) Illinois Driver's License
  - C) Utility or rent bills in the Applicant's (or Parent's) name
  - D) Illinois Auto Registration card
  - E) Residential lease
  - F) Wage and Tax Statements (IRS Form W-2)
  - G) Statement of benefits history from the Illinois Department of Public Aid
  - H) State of Illinois Identification Card issued by the Secretary of State.
- 4) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsections (f)(2) and (3), the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

- g) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- h) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2700.55 Electronic Data Exchanges

- a) ISAC will provide requesting eligible Institutions and Lenders with electronic data regarding Applicants. In return, Institutions and Lenders will provide ISAC with electronic data on Applicants as required by these Rules.

- b) To participate in electronic data exchanges, the Institution or Lender shall:

- 1) meet the eligibility guidelines established by ISAC;
- 2) execute a written agreement with ISAC, outlining the conditions of participation; and
- 3) select either a machine readable medium for direct teletransmission.

Information on the availability of electronic data exchanges shall be provided in ISAC publications.

- c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.

- d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold, or shared for any purpose other than those directly related to the internal operations of the Institution, Lender, or ISAC.

- e) Institutions and Lenders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and Lenders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.

- f) Institutions and Lenders shall comply with all applicable federal and state laws which regulate the privacy of, and access to, Applicant data. See: e.g., The Family Educational Rights and



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Privacy Act (20 U.S.C.A. 1232g); The Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, pars. 201 et seq.); Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094); and 34 CFR 682.610.

- g) To be eligible to participate in ISAC electronic data exchanges an Institution or lender shall submit an application to ISAC which shall include, but not be limited to, information regarding default rates, previous program reviews and audits, compliance with rules and regulations, the numbers of years in financial aid programs and items demonstrating administrative capability and financial responsibility. Participation shall be determined by eligibility guidelines established and published by ISAC on an annual basis.

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating postsecondary Institutions. Postsecondary Institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the Institution is experiencing difficulty meeting the requirements of these Rules or Federal Regulations, or discrepancies in past audits conducted by the ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary Institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED Verification Procedures.

- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

- d) The Institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the Institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- e) If an audit identifies student assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the Institution.

- f) ISAC may visit Institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any on-going investigation.

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2700.70 Appeal Procedures

- a) Complainants (including Applicants, Institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days of an administrative decision, including administrative decisions rendered under subsections (d) and (e), the complainant forfeits all appeal rights.

- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within fifteen working days of receipt of the appeal.

- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant shall may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, Rules and Regulations relevant to the issue appealed.

- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(f)(4) and 23 Ill. Adm. Code 2760.40(a), Applicant appeals shall not be written or submitted by a lender or Institution. A lender or Institution may advise an Applicant on appeal issues and opportunities.

- d) The complainant shall submit an appeal directly to the appropriate ISAC Manager. An appeal may be pursued through the appropriate

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375. Appendix A.)

e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d). A hearing shall be requested, in writing, within 60 days of the date of the Executive Director's appeal decision.

1) Within 30 days of the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.60(d)-(f).

2) The hearing officer shall issue a recommended decision in accordance with and subject to 23 Ill. Adm. Code 2790.70.

f) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(c), are considered final administrative decisions as defined by the Administrative Review Law. (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) The complainant shall be sent written notification of the final administrative decision within ten working days of the Commission's disposition of the appeal.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Guaranteed Loan Programs

2) Code Citation: 23 Ill. Adm. Code 2720

3) Section numbers: Proposed Action:

2720.5	amendment
2720.6	amendment
2720.10	amendment
2720.20	amendment
2720.25	added
2720.30	amendment
2720.40	amendment
2720.50	amendment
2720.55	amendment
2720.60	amendment
2720.70	amendment
2720.80	amendment
2720.90	added
2720.105	amendment
2720.120	amendment
2720.130	amendment
2720.200	amendment
2720.210	amendment
2720. App A	amendment

4) Statutory Authority: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2720.6: the definition of "default status" is expanded to include loans repayable in quarterly installments; a definition of "educational lender" is added as a new section has been established for this type of institution; and the definition of "holder" has been updated to include lenders. Section 2720.10(b) has been amended to include out-of-state parents within the definition of eligible borrowers provided that they are borrowing on behalf of students attending Illinois institutions. Section 2720.10(g) sets the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

minimum time frames within which a borrower may request a new loan. Section 2720.20(a)(1) includes a reference to consolidation loan programs generally in the lender agreement. Section 2720.20(d) has been moved to a new section (2720.25) to separate it from the section governing commercial lenders, for clarification purposes. Section 2720.20(f) reaffirms and clarifies ISAC's authority to approve applications from lenders wishing to participate in its guaranteed loan programs and delineates the criteria by which the agency will evaluate and respond to applications from any lender seeking to participate in its guaranteed student loan programs. Section 2720.25 governs the criteria and application procedures for educational institutions that wish to act as lenders in ISAC's guaranteed loan programs. Section 2720.30(c) has a phrase added to clarify the necessity of a new application to ISAC when a change in the school's status causes it to reestablish eligibility with the Department of Education. Section 2720.30(i) reaffirms and clarifies ISAC's authority to approve applications from educational institutions wishing to participate in its guaranteed loan programs and delineates the criteria by which the agency will evaluate and respond to any applications from educational institution seeking to participate in its guaranteed student loan programs. Section 2720.40(f)(1)(E) clarifies the applicable federal regulations relating to loans made by educational lenders. Section 2720.40(f)(2) extends the deadline by which a lender is required to sell a loan subject to subsection (f)(3) of that section and incorporates an existing ISAC policy regarding the procedures through which a lender can "cure" (or reinstate the guarantee on) loans found to be in violation of subsections (f)(1) or (f)(3) of that section. Section 2720.40(f)(3) clarifies the agency's requirement that all loans guaranteed by ISAC for an individual borrower be held by one lender by placing it in a paragraph of its own. Section 2720.50 contains amendments whose purpose is for clarification only. Section 2720.55 removes references to a specific product name and replaces them with terms describing the type of program involved, (i.e., loan consolidation). Section 2720.60(e) depicts with more specificity the supplemental services provided to clients when they request ISAC assistance in collection efforts. Section 2720.70(h)(3) more accurately describes the nature of the notice sent to borrowers whose accounts are referred to the State Treasurer for offset. Section 2720.80(d) establishes that the proceeds from the student insurance premium may also be used by ISAC to pay the reinsurance fee assessed by the Department of Education. Section 2720.90 authorizes the transfer of loan guarantees by ISAC to or from other guarantors/servicers. This particular amendment is proposed in anticipation of ISAC's participation in ongoing efforts by the federal government to distribute the student loan portfolio previously held by the Higher Education Assistance Foundation (HEAF). Section 2720.210 more specifically describes the factors used in determining Illinois Opportunity Loan Program eligibility when available loan funds are limited.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:  
Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:  
  
Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015
- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2720

## GUARANTEED LOAN PROGRAMS

## SUBPART A: Loan Guarantee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,  
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND CONSOLIDATION LOAN PROGRAM

## Section

2720.5	Summary and Purpose
2720.6	Definitions
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Institution Lender Eligibility
2720.30	Institutional Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.50	Procedures for Disbursement and Repayment
2720.55	Consolidation Loan/Unilean Program
2720.60	Preclaim Assistance
2720.70	Reimbursement Procedures
2720.80	Student Insurance Premium
2720.90	Guarantee Transfers

## SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

## SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program

## 2720.App. A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective Feb. 28, 1992; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

## SUBPART A: Loan Guarantee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,  
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND CONSOLIDATION LOAN PROGRAM

## Section 2720.5 Summary and Purpose

- Guaranteed Loan Programs are authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), and are administered by the United States Department of Education (ED), State governments, educational institutions and lenders.
- This Part establishes Rules which govern ISAC Guaranteed Loan Programs. Additional Rules and definitions are contained in the General Provisions part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.
- Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational institutions and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Lenders. This Subpart implements ISAC's discretionary authority as a Guarantee Agency.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2720.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at 34 CFR 668.2.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency Status" - The failure of a borrower to make an installment payment when due, provided this failure persists for 30 days.

"Disbursement" - The process of transferring funds from the lender to the borrower. Educational Institutions participate in the Disbursement process.

"Educational Lender" - An educational institution which meets the lender eligibility criteria outlined in Section 2720.25.

"Federal Regulations" - Regulations promulgated by ED and codified at 34 CFR 668 and 682. See: 51 Fed. Reg. 40886 (1986).

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as Lenders or secondary markets and purchase ISAC Guaranteed Loans from approved lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are approved Holders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law. (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.14a et seq.)

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1085)

"PLUS" - A Program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and the Higher Education Student Assistance Law. (Ill

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Rev. Stat. 1987, ch. 122, par. 30-15.10 et seq.)

"SLS" - The acronym for Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and the Higher Education Student Assistance Law. (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.10 et seq.)

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2720.10 Eligibility for ISAC Loan Guarantees

a) Applicants may apply for a loan guarantee by submitting an ISAC approved application form.

b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations, however, the borrower must be a Resident of the State of Illinois or a parent borrowing on behalf of a student enrolled at an approved institution located in Illinois. For purposes of this Part, a student-loan-applicant borrower is considered an Illinois-resident eligible if the Applicant:

- 1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or
- 2) is Enrolled on at least a half-time basis at an approved postsecondary Institution located in Illinois; or
- 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution; or
- 4) is a qualified parent or legal guardian borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois.

c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.

d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), Federal Regulations and of this Subpart.

e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078)

- f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.

1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Stafford Loan for a two semester period of enrollment beginning 8/20/87 and concluding 5/15/88. During the fall 1987 Term the student will be a sophomore and during the spring 1988 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 loan permitted sophomore borrowers.

2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. See Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091)

- g) An applicant who previously received a Stafford, PLUS or SLS loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2720.20 Lender Eligibility

## a) Lender Agreement

1) All approved Lenders must execute an ISAC Lender Agreement prior to participating in the Stafford, PLUS, SLS and-unilean or consolidation loan programs.

2) Lenders must have received ED approval prior to executing a Lender Agreement.

3) The Lender Agreement shall include provisions requiring

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Lenders to:

- A) Comply with statutes, Federal Regulations, Rules, and procedures; and
- B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. See: Sections 2720.60 (a) and 2720.70(c).
- 4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the Lender with program documentation and reasonable technical assistance related to electronic data exchange. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

5) Termination of the Lender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as Lenders shall require:

1) advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 761) and 50 Ill. Adm. Code 909;

2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 1028 et seq.).

d) ----- Illinois educational institutions shall be approved as lenders by the Commission if approved by ED and meet the following requirements:

1) ----- The specific materials and procedures for an institution to follow in seeking approval as an eligible lender are:

A) ----- An audited, certified, and preferably unqualified annual



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

financial statement prepared by a firm of certified public accountants (CPA).--The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission.--The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto.

- B)-----An institutional catalogue, and a statement of the Institution's educational costs and refund policies.
  - C)-----A statement of the Institution's default/delinquency experience as a lender in the Perkins Loan Program and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit the ISAC to solicit further data from ED or the Institution's service agency, if any, with respect to such records.
  - D)-----A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program.
  - E)-----Bank and other credit references and a release to permit ISAC to inquire of these references.
  - F)-----A statement explaining the source of the Institution's lending capital.
  - G)-----A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years.
  - H)-----Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a Lender.
- 2)-----In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A)-----Copy of its student contract;
  - B)-----Description of its admission/sales staff and their functions;
  - C)-----Statement of the Institution's drop-out/completion rates;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- D)-----Sample of the Institution's advertising materials; and
- E)-----Description or copies of student complaints filed with the Institution in the last two years.--In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the Institution; a statement from the Better Business Bureau with regard to any consumer complaints; and a statement from the Institution's accrediting association.

3)-----The applications for eligible lender status in the Programs and the supporting documentation shall be reviewed by ISAC; ISAC shall inform applicant Institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken.--The Applicant Institution shall also be informed of the recommendation for its annual lending limit as well as any additions to the Lender Agreement which ISAC feels prudent in individual instances to protect the default record of ISAC.--The Institution shall also be informed that if it is not in agreement with any of ISAC recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections.--If the Institution is approved by the Commission as a lender, ISAC will execute a Lender Agreement which will include:

- A)-----The Institution's agreement to abide by the Rules of ISAC;
  - B)-----A statement of agreement including, or referring to, the list of required activities of educational Lenders labeled as Appendix A;
  - C)-----A statement of agreement including, or referring to, the Federal Regulations with respect to loan Disbursements and refund application;
  - D)-----A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
  - E)-----An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- ed) A loan guarantee shall be cancelled if the Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

of reimbursing the Lender for the defaulted loan.

f<sub>2</sub>) ISAC conducts compliance reviews to determine if approved Lenders are complying with Federal Regulations, statutes and Rules.

f<sub>1</sub>) Lenders wishing to participate in ISAC guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2720.25 Educational Institution Lender Eligibility

a) Educational Lenders must meet the eligibility requirements of Institutions as outlined in Section 2720.30. Institutional Eligibility and must meet the eligibility requirements established for Lenders as outlined in Section 2720.20, Lender Eligibility.

b) Illinois educational Institutions shall be approved as Lenders by the Commission if approved by ED and meet the following requirements.

1) The specific materials to be provided by an Institution to follow in seeking approval as an eligible lender are:

A) An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto.

B) An institutional catalogue, and a statement of the Institution's educational costs and refund policies.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

C<sub>1</sub>) A statement of the Institution's default/delinquency experience as a Lender in the Perkins Loan Program and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the Institution's service agency, if any, with respect to such records.

D<sub>1</sub>) A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program.

E<sub>1</sub>) Bank and other credit references and a release to permit ISAC to inquire of these references.

F<sub>1</sub>) A statement explaining the source of the Institution's lending capital.

G<sub>1</sub>) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years.

H<sub>1</sub>) Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a Lender.

2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:

A) Copy of its student contract;

B) Description of its admission/sales staff and their functions;

C) Statement of the Institution's drop-out/completion rates;

D) Sample of the Institution's advertising materials; and

E) Description or copies of student complaints filed with the Institution in the last two years. In addition to these materials, ISAC will secure a Dn and Bradstreet Report on the Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the Institution's accrediting association.

3) The applications for eligible Lender status in the Programs



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

and the supporting documentation shall be reviewed by ISAC. ISAC shall inform applicant Institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The Applicant Institution shall also be informed of the recommendation for its annual lending limit as well as any additions to the Lender Agreement which ISAC feels prudent in individual instances to protect the default record of ISAC. The Institution shall also be informed that if it is not in agreement with any of ISAC recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the Institution is approved by the Commission as a lender, ISAC will execute a Lender Agreement which will include:

- A) The Institution's agreement to abide by the Rules of ISAC;
  - B) A statement of agreement including, or referring to, the list of required activities of educational lenders labeled as Appendix A;
  - C) A statement of agreement including, or referring to, the Federal Regulations with respect to loan disbursements and refund application;
  - D) A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
  - E) An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- C) A loan guarantee shall be cancelled if the Educational Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Educational Lender for the defaulted loan.
- d) ISAC conducts compliance reviews to determine if approved Educational Lenders are complying with Federal Regulations, statutes and Rules.

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. See: 34 CFR 668.12 et seq.
- c) When an approved Institution has a change of ownership, location, or name as defined by Federal Regulations, the Institution's Program Participation Agreement is terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreements with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission of a new application for participation with ISAC.
- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED approved Origination Agreement, provided the agreement is on file with ISAC. See: 34 CFR 682.601.
- e) Approved Institutions shall provide ISAC with the current enrollment status of students the Institution certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.
- f) Approved Institutions must demonstrate the requisite administrative capability and financial responsibility, as defined by Federal Regulations. See, e.g.: 34 CFR 668.13 et seq.
- g) Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.14.
- h) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.
- i) Institutions wishing to participate in ISAC guaranteed loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

State of Illinois demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be determined by an examination of those materials and compliance with federal laws and regulation and state statutes and rules.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement and an application/promissory note form. All promissory notes must be in the form furnished or approved by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.
- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.
- d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.
- e) The application/promissory note must be signed in ink. Signature stamps shall not be used.
- f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Notwithstanding the residency requirements of Section 2720.10(b), if a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with that lender or a prior Lender, the following provisions apply:
  - A) A subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed subsidized Stafford Loans.
  - B) A non-subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed non-subsidized Stafford Loans.
  - C) A PLUS loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed PLUS Loans made on behalf of the same student.
  - D) A SLS loan made issued by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed SLS Loans made by another commercial Lender.
  - E) A SLS loan issued made by an educational Lender will be guaranteed if the Lender is an educational institution at which the borrower is currently Enrolled and the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to federal regulations (see 34 CFR 682.601 (1990)), not previously obtained a SLS-Loan-through-a-commercial Lender.
- 2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, the Lender shall sell all renewal loans to that same Holder no later than the third month of the grace period or no later than thirty days after the the Lender became aware that the student ceased to be enrolled on at least a half-time basis (see Section 2720.130(d)). a subsequent loan will be guaranteed provided:
  - (A) ---the renewal loan is issued by the same lender that issued the previous loans; and
  - (BA) the Lender sells the renewal loan to the Holder prior to the ending loan term date. Failure to sell the renewal

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

loan by the deadline shall result in the loss of guarantee.

(B) A guarantee may be reinstated if, within 90 days of identification that a loan is in violation of subsection (f)(2), the lender sells the loan to the eligible Holder who purchased the Applicant's previous loan(s).

i) Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsection (f)(2), provided no other violation of federal regulation or State rule exists.

ii) Failure to initiate the sale of the loan within 90 days of identifying the violation will result in loss of guarantee.

3) A subsequent loan will be guaranteed by ISAC provided the renewal loan is issued by the same commercial lender that issued the previous loan(s).

34) The requirements of subsection (f)(1) shall not apply if:

(A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.

(B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

g) Co-maker and Co-signers

1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.

2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2720.50 Procedures for Disbursement and Repayment

a) Disbursement and repayment procedures are specified in Federal Regulations.

b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.

c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.

d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all loans disbursements through submissions of the Student-Status Confirmation Report Lender manifest.

e) Stafford Loan and SLS loan proceeds shall be transmitted directly to the Institution. PLUS loan proceeds shall be delivered to the borrower by the Lender. The Lender shall notify the educational Institution of all PLUS Disbursements.

1) The student loan check shall be payable to the borrower unless the borrower has authorized, in writing, a co-payable loan check.

2) If the proceeds have not been disbursed to the borrower within ninety days after the conclusion of the Term, ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

loan, and other extenuating circumstances (e.g., death in the borrower's family).

- 3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the Lender, the refund shall be in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.
- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the Lender or subsequent Holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. If less than all outstanding notes are prepaid, the notes shall be prepaid in the order of their execution dates commencing with the earliest. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.
- g) The Lender or Holder shall send a repayment schedule and disclosure statement to a Stafford borrower no later than 30 days prior to the expiration of the borrower's grace period. The Lender or Holder shall send a repayment schedule and disclosure statement to a PLUS, SLS and unillean borrower no later than 30 days prior to the due date of the first payment.
- h) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.
- j) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation.

- k) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.
- l) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.  
(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)
- Section 2720.55 Consolidation Loan/unillean Program
- a) ISAC shall guarantee consolidation loans through an activity-known as the unillean program. All recipients must be eligible borrowers, as defined by pursuant to Section 428C of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-3)
- b) Lenders may issue make unillean consolidation loans provided participation in the unillean consolidation loans program is authorized by the Lender Agreement. See: Section 2720.20(a).
- 1) ISAC shall initially authorize a Lender to issue no more than \$5,000,000 in guaranteed unillean consolidation loans.
- 2) A Lender may receive additional increments of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. See: Section 2720.20(f).
- e) Lenders may structure a borrower's repayment schedule in any fashion which is permitted by Section 428C of the Higher Education Act of 1965, as amended.
- dc) Applicants may receive applications from lenders or ISAC. All applications, promissory notes and disclosure statements shall be in the form furnished or approved by ISAC. Lenders shall report to ISAC when a unillean consolidation loan is made.
- ed) Lenders shall request preclaim assistance and reimbursement on unillean consolidation loans in accordance with Sections 2720.60 and 2720.70.  
(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2720.60 Preclaim Assistance

- a) ISAC functions in a supplementary role to assist the Lender or Holder in its collection of a loan that is at least 90 days delinquent. After requesting Preclaim assistance, the Lender or Holder shall continue to proceed with normal collection activity. The following information is requested, if available:

- 1) Name, social security number, and state driver's license number;
- 2) Employer's name and telephone number;
- 3) Home address and telephone number;
- 4) Identification of the problem;
- 5) Date and amount of each payment;
- 6) Loan amounts; and
- 7) Number of days delinquent.

- b) The request for preclaim assistance must be sent to ISAC no earlier than 80 days after the first date of delinquency and no later than 100 days after the date of delinquency.

- c) For one hundred or more accounts submitted at one time the request for preclaim assistance must be submitted on computer tape, in a format approved by ISAC, from which collection action can begin immediately.

- d) If a borrower's address is unknown, the Lender shall attempt to locate the borrower prior to requesting Preclaim assistance. These attempts shall include written and/or telephone inquiries to the Institution, the borrower at both the school and permanent address and the borrower's references.

- e) When a Lender files for preclaim assistance, that lender is automatically filing for supplemental preclaims assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2720.70 Reimbursement Procedures

- a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days of the Lender's receipt of the borrower's loan cancellation request. Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of delinquency and no later than 270 days after the date of delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Regulations, from the default date to fifteen (15) days after the Illinois State Voucher is completed. On PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.

- b) The Lender or Holder must request ISAC reimbursement for bankruptcy claim in accordance with Federal Regulations. See, e.g.: 34 CFR 682.402. The request for reimbursement must be submitted within 30 days of the Lender's receipt of notice that the loan is eligible for reimbursement. A copy of the restraining order and the appropriate papers should be included. On PLUS loans, all co-makers must meet the bankruptcy criteria.

- c) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (f). Prior to reimbursement, the Lender must have remitted the insurance premium established by Section 2720.80.

- d) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrowers after default reimbursement and shall advise ISAC of any subsequent information received concerning the student. Prior to reimbursement, all original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

- e) No fee or charge, other than the maximum interest rate prescribed by ED, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender, except that a delinquency charge is permitted on each installment for a period of not less than ten days.

- f) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. See, e.g., 34 CFR 682.411.

- g) ISAC shall collect the outstanding amount on the Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall litigate or assign the account to a licensed collection agency.

- h) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. See: 23 Ill. Adm. Code 2700.40(a)(2).
- 3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## Section 2720.80 Student Insurance Premium

- a) The ISAC charges each borrower an insurance premium on each Guaranteed Loan. The premium is collected by the Lender and must be remitted to the ISAC by the tenth day of the second month following Disbursement.
- b) The amount of the premium collected on each loan shall be no greater than 3 percent of the principal amount of the loan. The exact amount of the insurance premium shall be computed by the ISAC and disclosed to the borrower on the application/premisery-note notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1071 et seq.)
- c) No refunds of insurance premiums shall be made to the borrower after the check representing the proceeds of the loan has been endorsed by the borrower unless the loan check is returned uncashed to the Lender or the loan is repaid in-full within 120 days of disbursement.
- d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with Federal Regulations, such proceeds may only be used to reimburse Lenders for defaulted Guaranteed Loans, or to pay administrative expenses of ISAC or to

## NOTICE OF PROPOSED AMENDMENTS

pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## 2720.90 Guarantee Transfers

- a) ISAC may transfer loan guarantees to or from another guarantor as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended. (20 U.S.C.A. 1078(b) (1990)) provided:
  - 1) the loan guarantees are insured (see section 428(b) of the HEA);
  - 2) an agreement has been entered into between ISAC and
    - A) the other guarantee agency.
    - B) an agent of the guarantee agency, who has been approved by the U.S. Secretary of Education, or
    - C) the U.S. Secretary of Education
  - 3) the transfer has been approved by the Holder of the loan.

b) Notwithstanding any provision of Section 2720.40(f), regarding all loans being held by one Holder, a loan guarantee may be transferred to ISAC from another guarantee agency.

c) Notwithstanding any provisions of Section 2720.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guarantee agency.

(Source: Added at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## SUPPORT B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

## Section 2720.105 Summary and Purpose

- a) The Commission provides a secondary market for ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of Lenders and increases the availability of Guaranteed Loans.
- b) The Illinois Designated Account Purchase Program (IDAPP) purchases eligible loans from IDAPP eligible Lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Lender and ISAC, and the eligible Lender's good faith compliance with the contract.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2720.120 IDAPP Eligible Loans

- a) Original Contract Program
  - 1) ISAC will purchase Stafford Loans which are no more than 90 days delinquent on installments of principal or interest and Stafford Loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.
  - 2) Under this program ISAC will also purchase Stafford Loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the Lender.
  - 3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

b) The Lender must be in compliance with Federal Regulations and ISAC Rules up to the date of the sale. ISAC will decline to purchase any account if the Lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

c) If a Lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (non-delinquent) and has an outstanding balance of at least \$3,500.

d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original Lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. See: Section 2720.40(f)(2).

e) Default Prevention Program

- 1) In cases where a Lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of Guaranteed Loans specified in subsection (e)(2). All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

2) ISAC will purchase the following additional types of Guaranteed Loans:

- A) all deferred loans other than unemployment deferments;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the Lender's written inquiry;
- D) loans from graduate student borrowers, and
- E) loans that do not fall under any preceding criteria classification.

f) Upon the sale of an account to ISAC, the Lender shall report the transfer of ownership to the credit reporting agency utilized by the Lender. The Lender shall not adverse the borrower's credit rating.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, Federal Regulations, Rules and procedures.

b) ISAC will purchase loans only from those lenders who have no inappropriate relationships with the educational Institutions certifying the loan. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and Institutions which are not permitted by law or Federal Regulation, 34 CFR 682.205 (1985), and/or of such nature that all educational Institutions or all lenders under similar circumstances would not receive similar terms, conditions, or services from the lender.

c) If it appears that the lender has violated one or more of the ISAC Rules, in the handling of any account, and if such violation contributed to the delinquent status of the account, the ISAC will decline to purchase the account.

d) The lender aware date of delinquency will be:

- 1) Date lender received notice from school, borrower or ISAC, that the borrower has a revised last date of attendance;
- 2) Date returned mail from a borrower(s)' address was received;



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) Date information is received from borrower(s), student, spouse, or Parent that repayment will not be forthcoming; or
- 4) Maturity date of Note, deferment, or payment due and not paid date.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

- a) ISAC shall serve as a direct Lender of consolidation loans in accordance with Section 2720.55.
- b) All recipients of a consolidation loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-3) Subject to the availability of funds, no eligible borrower shall be denied a consolidation loan by ISAC.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2720.210 Illinois Opportunity Loan Program

- a) ISAC shall serve as a direct lender of non-subsidized Stafford Loans through an activity-known as the Illinois Opportunity Loan Program.
- b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078 et seq.)
- c) In addition to the eligibility criteria established by federal law for all Stafford loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.
  - 1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The Institution shall verify the borrower's enrollment status prior to disbursement.
  - 2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an Illinois Opportunity Loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state Institution.

ILLINOIS REGISTER 4414 92  
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per Academic Year.
- 4) No Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an Illinois Opportunity Loan unless the Institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. See, e.g. Title IV, Part F of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1087 kk et seq.)

- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date or the term of study for which the loan is being requested, or both.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2720. APPENDIX A Required Activities of Educational Lenders

1. The Educational Lender must act as a "lender of last resort" and demonstrate such capacity by requiring each inquiring borrower to first seek loans from other eligible lenders.
2. The Educational Lender shall be subject to subsection 2720.40(f)(1)(E).
3. The Educational Lender must agree not to use in written materials or personal interviews any phraseology which would tend to devalue the seriousness of a borrower's indebtedness and its accompanying responsibilities.
4. The Educational Lender must agree that each borrower shall receive a personal interview with an employee of the Institution who is not associated with any admissions or recruitment function and who deals with the borrower solely on loan and credit matters, assuring that the borrower does not identify that person in any way with student grants or other forms of aid.
5. The Educational Lender must agree to conduct an exit interview with each borrower when (s)he terminates enrollment.
6. The Educational Lender must verify continued attendance of the borrowers.
7. The Educational Lender must agree to comply with the Disbursement

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- and refund policies set forth in Federal Regulations.
8. The eEducational lLender must contract for the servicing and collection functions of its portfolio with a professional student loan service corporation or the educational lender must demonstrate that it has staff and facilities to service its own student loans.
9. The eEducational lLender must agree that during the repayment periods of its borrowers, the borrowers shall be eligible for a deferment or forbearance of principal repayment for a reasonable period of time, not to exceed one year without permission of the guarantor, during periods of extreme financial hardship caused by unemployment, illness, etc.
10. The eEducational lLender must agree to allow the borrower to select the equal monthly payment which, within statutory boundaries, would best suit his/her needs.
11. The eEducational lLender may not pledge the notes evidencing these borrower loans as security or collateral except to another lender approved by ISAC, and then, only by prior permission in each instance. Permission must be requested in writing and permission granted in writing.

(Source: Amended at \_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

- 1) The Heading of the Part: Illinois National Guard Grant
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section numbers: Proposed Action:  
2730.5 amendment  
2730.10 amendment  
2730.20 amendment
- 4) Statutory Authority: Implementing and authorized by The National Guard Scholarship Act (Ill. Rev. Stat. 1989, ch. 129, pars. 421 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendment: Section 2730.20(h) clarifies that recipients cannot be held responsible for paying the difference between in-state and out-of-state tuition or in-district and out-of-district tuition in this entitlement program. As stated in the summary and purpose of this Part, if appropriated funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution. Additionally, obsolete references to the Naval Militia are deleted throughout this Part since it no longer exists in Illinois.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730  
ILLINOIS NATIONAL GUARD GRANT

Section  
2730.5  
2730.10  
2730.20

Summary and Purpose  
Applicant Eligibility  
Program Procedures

AUTHORITY: Implementing and authorized by The National Guard Scholarship Act (Ill. Rev. Stat. 1989, ch. 129, pars. 421 et seq.)

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

Section 2730.5 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at public postsecondary Institutions as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational Institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.
- b) This Part establishes Rules which govern the National Guard Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 11 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2730.10 Applicant Eligibility

- a) Students must file an application annually indicating the Institution to be attended. Application deadlines are specified in subsection 2730.20(d).



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Eligible Applicants will receive an Eligibility Letter from ISAC each Academic Year following the filing of the application. This letter must be delivered to the educational institution at which the student is Enrolled. Ineligible Applicants will receive a written notification from ISAC of their ineligibility to receive program benefits.
- 2) ISAC verifies application data in consultation with the Illinois Department of Military Affairs in the process of when reviewing an application data.
- b) Applicants must have served for at least one year in the Illinois National Guard. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.
- c) Fees exempted by this program are limited to Tuition, registration, graduation, and general activity fees. Fees for which the recipient remains financially responsible include: book rental, laboratory, air flight, health insurance, room and board, parking, union, supply, hospital, athletic, and proficiency exams.
- d) Recipients must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- e) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement.
- f) Benefits may be used at Illinois public senior universities and at any Illinois public community college.
- g) If a student is eligible for both National Guard and MAP, the National Guard benefits must be used first. A student cannot decline a National Guard Grant in favor of using MAP.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2730.20 Program Procedures

## a) Payment Request

- 1) The Institution must request from each Applicant a valid Illinois National Guard or Naval-Militia Grant Eligibility Letter. The Institution must maintain two ISAC payment certification forms which certify the Applicant's:

- A) Social Security Number;
- B) name;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- C) enrollment;
- D) grant amount; and
- E) Satisfactory Academic Progress.
- 2) One sheet is to be returned to ISAC for payment and the other retained by the Institution for record and audit purposes.
- b) Within the constraints of appropriation levels, two semester or three quarter Term payments and one summer Term payment are paid directly to the Institution after it officially certifies to ISAC that the Applicant has registered and is attending classes. No seminars or other special Terms are covered under the grant. Summer Term is considered the final Term of the Academic and fiscal Year.
- 1) Payment certification forms will be mailed each Term to the Institution no earlier than the application deadline date for that Term. Payment certification forms must be returned no later than thirty (30) days after they have been mailed to the Institution by ISAC. Supplemental certification forms must be submitted to ISAC no later than forty-five (45) days after the original payment certification form was mailed to the Institution with the exception of summer Term supplements which must be submitted by the same deadline as the original payment certification for summer Term. All certification forms received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through September 30 following the conclusion of the fiscal year).
- 2) Claims will be paid as follows:
  - A) First semester and first quarter claims received by the designated deadline date will be paid or prorated, if funding is insufficient to pay all claims in full.
  - B) If funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.
  - C) If funds still remain after the preceding claims are paid, summer Term claims received by the designated deadline date will be paid, or prorated, if remaining funds are insufficient to pay all summer claims in full.
  - D) In the event that funds are not exhausted by summer Term payments, claims received after the designated deadline dates will be paid or prorated.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- E) If funds are still available when the preceding claims have been paid in full, ISAC will use remaining funds to pay or prorate claims for the balance of non-residents' Tuition for recipients who live out-of-state or out-of-district.
- c) Changes of address, name, status with the Guard, or Institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the Applicant address recorded with ISAC.
- d) Applicants must file an application each Academic Year indicating the Institution to be attended. No payment will be authorized for any Applicant until a current application is on file. The deadline for application will be October 1 for first Term, March 15 for second semester/second and third quarter, and July 1 for the summer Term. Institution of attendance changes must also be reported by these dates.
- e) Eligible recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will be terminated.
- 3) In the event that the recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.
- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of total faculty contact hours.
- f) If a current Year Applicant is discharged or has membership extended by the Guard/Militia, ISAC will send a revised eligibility letter or ineligibility letter to the Applicant. In the case of discharges, a copy of the letter will be sent to the Institution of record.
- g) If a recipient ceases to be a member of the Guard/Militia in mid-term, benefits are terminated and the recipient is responsible for the costs attributed to the remainder of the Term. If an Applicant becomes eligible in mid-term, in accordance with Section 2730.10(b), benefits will be prorated for that portion of the Term for which the Applicant is eligible, provided the application is submitted by the deadlines established in subsection (d). Costs are prorated on the basis of the Institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.
- h) Out-of-state residents will receive Tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois Institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.
- i) Payments on behalf of a recipient will be made to only one Institution per Term. For any Institution that has Concurrent Registration opportunity the same payment policy will be in effect as that used in the Monetary Award Program. See: 23 Ill. Adm. Code 2735.70(d).

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers:

<u>Proposed Action:</u>	
2733.10	amendment
2733.20	amendment
2733.30	amendment
- 4) Statutory Authority: Implementing Section 30-15.7d and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.4(f) and 30-15.7d).

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2733.20(f)(3) clarifies that recipients cannot be held responsible for paying the difference between in-district and out-of-district tuition in this entitlement program. As stated in the summary and purpose of this Part, if appropriated funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes.

<u>Section numbers:</u>	<u>Proposed Action:</u>
2733.20	amendment
2733.30	amendment

15 Ill. Reg. 18121 (December 20, 1991)

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Willmot Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 2733.20 Grant Eligibility

- a) A recipient must have been designated a Qualified Veteran. See: Section 2733.30(a).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.
- f) Fees Exempted by the IVG
  - 1) The recipient is exempted from paying most fees including:
    - A) Tuition and other instructional fees;
    - B) activity, air flight and athletic fees;
    - C) matriculation, service and other registration-type fees;
    - D) off-campus and other extension course fees;
    - E) application fees;
    - F) graduation and transcript fees;
    - G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
    - H) health insurance fees.
  - 2) The recipient is responsible for payment of the following fees:
    - A) book rental fees;
    - B) laboratory and supply fees;
    - C) student union fees; and
    - D) fees for the operation, maintenance, rental or equipping of any building or facility.
  - 3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Grant Eligibility
2733.20	Program Procedures
2733.30	

AUTHORITY: Implementing Section 30-15.7d and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.4(f) and 30-15.7d).

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991 for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992 for a maximum of 150 days; amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

Section 2733.10 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at public postsecondary institutions as described in this Part. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational Institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.
- b) This Part establishes Rules which govern the Illinois Veteran Grant (IVG) Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of faculty contact hours.

- h) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to September 6, 1992.

- i) If a student is eligible for both IVG and MAP, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2733.30 Program Procedures

- a) Applicants must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

## 1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who:

- i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and
- ii) who after leaving service returned to Illinois within 6 months; or
- iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or
- iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

- i) the Veteran was honorably discharged from such service for medical reasons directly connected with such service; or
- ii) the Veteran was honorably discharged prior to August 11, 1967; or
- iii) the Veteran was honorably discharged from such service and has at least nine months

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

of active duty, part of which includes service in the Persian Gulf during Operations Desert Shield or Desert Storm.

2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard/militia are not eligible for assistance.

3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

A) Applicants should submit a copy of their Report of Separation (Form DD 214) with their application.

B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract (Form DD4) and a letter from the commanding officer. The letter must indicate the Applicant is a member of the Armed Forces at the time of application.

4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.

5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C), such designation shall expire upon discharge from the Armed Forces.

b) Qualified Veterans shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, Applicants must submit a copy of their notice of eligibility to the Institution within three months

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

following the last scheduled day of classes for the Term for which a grant is requested. Qualified Veterans who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their IVS ID card to the Institution.

c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment request shall be October 15 for summer Terms; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.

2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.

3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

4) In the event that funds are not exhausted, claims received by ISAC after the designated deadline dates will be paid or prorated.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)



ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Limitation, Suspension, or Termination
- 2) Code Citation: 23 Ill. Adm. Code 2790
- 3) Section numbers:  
2790.10 amendment  
2790.20 amendment  
2790.30 amendment  
2790.40 amendment  
2790.50 amendment  
2790.60 amendment  
2790.70 amendment  
2790.80 amendment  
2790.90 amendment  
2790.100 amendment  
2790.110 amendment  
2790.120 amendment  
2790.130 amendment  
2790.140 amendment  
2790.App.A repealed
- 4) Statutory Authority: Implementing and authorized by Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.) and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq. (1990)).

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Willmot Road  
Deerfield, Illinois 60015

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2790.10(e) contains a provision excluding administrative actions by other state educational agencies from the requirements of this Part. Those proceedings would affect an institution's ability to offer educational programs within Illinois. Authorization to offer educational programs in Illinois is a condition precedent to participating in any ISAC-administered financial aid programs. Appendix A was implemented last year during a comprehensive rewrite of this Part. ISAC's experience over the past year caused the agency to reassess the feasibility of a penalty matrix and lead to its repeal. The matrix does not include every possible violation of federal regulations or state rules. The matrix defeats its purpose when offenses are not listed and when there is no corresponding penalty for those violations. Emergency amendments would become commonplace if ISAC were to keep the matrix and add to it as new infractions were discovered. Further, the text of the rules sufficiently advise respondents of potential penalties and a matrix format is not

necessary.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Agreements or Program Participation Agreements and the Higher Education Act of 1965, as amended (20 USCA 1070 et seq. (1990)), including but not limited to: the provisions dealing with the Guaranteed Student Loan Programs (20 USCA 1071 (1990)); Need Analysis (20 USCA 1987kk (1990)); General Provisions Relating to Student Assistance Programs (20 USCA 1088 (1990)); Teacher Scholarships and Fellowships (20 USCA 1111 (1990)); and the regulations of the Secretary of Education relating to student assistance programs, under the Higher Education Act of 1965, as amended, including but not limited to: Institutional Eligibility (34 CFR 600 (1990)); Paul Douglas Teacher Scholarship Program (34 CFR 653 (1990)); Student Assistance General Provisions (34 CFR 668 (1990)); Guaranteed Student Loan and PLUS Programs (34 CFR 682 (1990)); and the State Student Incentive Grant Program (34 CFR 692 (1990)).

b) This Part establishes Rules which govern the Limitation, Suspension, or Termination Proceedings. Additional Rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

c) The purpose of this Part is to protect the integrity of the programs and to guard against losses on behalf of the Applicant, the Lender, the School, ISAC or the Federal Government.

d) ISAC's failure to invoke the provisions contained in this Part does not, however, automatically imply compliance or lessen an Applicant's or an Institution's obligation to follow federal or state rules and regulations governing scholarships, grants and loan programs. Any Action taken under this Part will not affect an Applicant's or an Institution's responsibility to fulfill the requirements of the Higher Education Act, federal regulations or ISAC policies and procedures applicable to outstanding scholarships, grants, and loan programs. Further, any Action taken under this Part will not affect an Applicant's or an Institution's rights, if any, to benefits or payments that are based on prior participation in the programs.

e) This Part does not apply to:

a determination that an Institution fails to meet the definition of an Institution of higher education, as defined in 20 USCA 1085(b) (1990); a vocational school, as defined in 20 USCA 1085(c) (1990); or a Lender, as defined in 20 USCA 1085(d) (1990);

a determination of a School's loss of eligibility by the Secretary of Education due to its default experience (See Section 3004 of the Omnibus Budget Reconciliation Act of 1990, (P.L. 101-508)); or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2790

LIMITATION, SUSPENSION, OR AND TERMINATION PROCEEDINGS

Section	Summary and Purpose
2790.10	Definitions
2790.20	Informal Compliance Procedures and Pre-Hearing Conferences
2790.30	Emergency Action
2790.40	Suspension Proceedings
2790.50	Limitation or Termination Proceeding
2790.60	Recommended and Final Decisions
2790.70	Verification of Mailing and Receipt Dates
2790.80	Limitation
2790.90	Termination
2790.100	Payment Period
2790.110	Reimbursements, Refunds, Offsets and Penalties
2790.120	Reinstatement After Termination
2790.130	Hearings
2790.140	

APPENDIX-A--Matrix (Repealed)

AUTHORITY: Implementing and authorized by Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.) and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq. (1990)).

SOURCE: Adopted at 6 Ill. Reg. 11638, effective September 13, 1982; codified at 7 Ill. Reg. 9926; amended at 9 Ill. Reg. 20836, effective January 1, 1986; amended at 11 Ill. Reg. 3214, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1790 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2790 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17861; amended at 15 Ill. Reg. 14264, effective September 23, 1991; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992.

Section 2790.10 Summary and Purpose

a) This Part establishes rules for the Limitation, Suspension, or Termination of an otherwise eligible Institution or Applicant participating in any or all of the student assistance programs administered by the Illinois Student Assistance Commission (ISAC). These rules apply to an Applicant who and an Institution which violates the provisions of the statutes, Rules, Regulations, special arrangements, agreements, or Limitations set forth in Lender

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

any administrative action taken by the U.S. Department of Education against a Lender (34 CFR 682.700-682.711 (1990)); an educational institution (34 CFR 668.81-668.97 (1990)); or an individual (34 CFR 85.300-85.420 (1990)). or

any administrative action taken by the Illinois Department of Professional Regulation, the Illinois State Board of Education, or the Illinois Board of Higher Education terminating, suspending, or limiting an educational institution's authority to offer educational programs within the State of Illinois.

In any such case, ISAC shall terminate the participation of the Institution by sending notice of such termination, certified mail, return receipt requested, as outlined in (see Section 2790.80).

- f) This Part incorporates by reference the corresponding applicable federal regulations, namely Limitation, Suspension or Termination of Lender Eligibility Under the Guaranteed Student Loan Program and the PLUS Program (34 CFR 682.700 - 682.711 (1990)), Fine, Limitation, Suspension and Termination Proceedings as applied to educational institutions: (34 CFR 668.81 - 668.97 (1990)), and Debarment and Suspension proceedings as applied to persons (34 CFR 85.300 - 85.420 (1990)).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2790.20 Definitions

"Action" - An administrative proceeding conducted under this Part.

"Administrative Error" - Conduct resulting in the loss of a loan guarantee, creating a financial liability, or resulting in a refund due ISAC or the U.S. Department of Education, including but not limited to: overbilling interest, failing to cancel loans on a timely basis, failing to make timely refunds, overbilling of interest subsidy and special allowance, due diligence violations in making, disbursing, and servicing loans or conduct resulting in obtaining scholarship and/or grant funds for which the Institution or Applicant is not entitled.

"Admonishment" - A written reprimand which warns the Institution or Applicant that a repeat of the same offense will be subject to a penalty of greater severity. Admonishments shall be a matter of public record and may be imposed in lieu of a more severe sanction.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Borrower" - A student or parent to whom a Stafford, PLUS, SLS, or IOP loan is made.

"Funds" - Any money, commitments to provide money, and commitments of insurance or reinsurance provided under any or all programs.

"Hearing Officer" - An impartial person, appointed by the Executive Director of ISAC, or the Executive Director's designee, with no prior involvement with the facts giving rise to the Limitation, Suspension or Termination action, who is either:

an attorney who has been admitted to practice law in Illinois for at least five (5) years preceding appointment by the Executive Director and possesses those additional qualifications as are necessary to obtain appointment as an arbitrator pursuant to Section 2-1003(A) of the Mandatory Arbitration System in Illinois (Ill. Rev. Stat. 1989, ch. 110, par. 2-1003A); or

a person who is an arbitrator qualified by the American Arbitration Association; or

any other person who meets the qualifications for the position of Administrative Law Judge for the Federal Government.

"Institution" - For purposes of this Part, any educational or lending institution which participates in any ISAC program(s).

"ISAC Official" - An official of ISAC to whom the Executive Director has delegated the responsibility of initiating and pursuing an action under this Part.

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended (20 USCA 1085(d) (1990)).

"Limitation" - The continuation of an Applicant's or an Institution's eligibility for any or all programs subject to compliance with special conditions or restrictions which have been established by ISAC as necessary for the Institution's initial or continued participation in ISAC programs.

"School" - An Institution eligible to participate in the programs established by the Higher Education Act of 1965, as amended, including an Institution of higher education (as defined in 34 CFR 600.4 (1990)), a proprietary Institution of higher education (as defined in 34 CFR 600.5 (1990)), a postsecondary vocational Institution (as defined in 34 CFR 600.6 (1990)), and a vocational school (as defined in 34 CFR 600.7 (1990)).



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Suspension" - The removal of an Applicant's or an Institution's eligibility for any or all ISAC programs for a specified period of time or until the problem that initiated the Limitation, Suspension or Termination proceedings is resolved.

"Termination" - The unqualified removal of an Applicant's or an Institution's eligibility for any or all programs for an indefinite period of time, but in no event less than 18 months.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

### Section 2790.30 Informal Compliance Procedures and Pre-Hearing Conferences

a) If the Executive Director receives a complaint or other information which the Executive Director believes to be reliable, indicating that an Applicant or an Institution is, or may be, in violation of applicable laws, Regulations, special arrangements, agreements, Rules, or Limitations, the Executive Director may call the matter to the attention of the Applicant or the Institution and may provide a reasonable opportunity to:

- 1) respond to the complaint or other information;
- 2) show that the matter has been corrected; or
- 3) submit an acceptable plan to correct the violation and prevent its recurrence.

b) The procedures provided in this Part for Suspension, Limitation, or Termination need not be delayed during the informal compliance procedure if the Executive Director believes the:

- 1) delay would have an adverse effect on any or all programs administered by the ISAC; or
- 2) informal compliance procedure will not result in a correction of the alleged violation.

c) The purpose of a pre-hearing conference is to allow the parties to settle or narrow the dispute.

- 1) The pre-hearing conference may be convened at the request of ISAC, the affected Applicant or Institution, or the Hearing Officer.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

2) The scope of a pre-hearing conference is to discuss matters relating to the proposed action including settlement without a hearing, or the narrowing of legal or factual issues to be resolved at the hearing.

3) The pre-hearing conference is not subject to any procedural requirements except as may be mutually agreed upon by ISAC, the Applicant, and/or the Institution.

4) The pre-hearing conference may be held in any manner, including telephone conference call, an informal meeting, or written submission of materials from the Applicant or the Institution to the ISAC Official.

5) As a result of the pre-hearing conference, the ISAC Official and the Applicant or the Institution may enter into a pre-hearing agreement whereby both the ISAC Official and the Applicant or the Institution stipulate in writing, signed by the parties, to certain facts, points of law, regulations, or policies and procedures.

6) The Executive Director and the Applicant or the Institution may enter into a written consent agreement which fully or partially settles the dispute between the parties. The consent agreement may specify that any pending hearing shall be cancelled.

7) A violation of any of the provisions of the consent agreement shall constitute the basis for a Termination Action against an Applicant or an Institution.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

### Section 2790.40 Emergency Action

a) The Executive Director may take emergency Action to withhold Funds from an Applicant or an Institution or its associated students, and to withdraw the authority of an Applicant or an Institution to participate in ISAC administered programs if the Executive Director:

- 1) receives information which he believes to be reliable that an Applicant or an Institution is in violation of applicable laws, Regulations, Rules, special arrangements, agreements, or Limitations which had been previously established;

2) determines that such Action is necessary to prevent the likelihood of substantial loss of Funds to the State, to ISAC,

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

to the U.S. Department Education, to Borrowers, or to the students associated with the Institution; and

- 3) determines that the likelihood of loss requires immediate Action prior to completion of the procedures set forth in this Part for Limitation, Suspension, or Termination.

b) The Executive Director begins an emergency Action by notifying the Applicant or the Institution, by certified mail with return receipt requested, of the Action and the basis for the action on which it is taken. The effective date of the Action is the date on which the notice is received by the Applicant or the Institution. The notice shall state:

- 1) the basis of the emergency Action;
- 2) the consequences of the emergency Action to the Applicant or the Institution;
- 3) that the Applicant or the Institution may request an opportunity to show cause why the emergency Action is unwarranted; and
- 4) that the failure to request an opportunity to show cause why the emergency Action is unwarranted, at least 5 days within the effective date, is a waiver of that right.

c) An emergency Action shall not exceed 30 days unless a Limitation, Suspension, or Termination proceeding is begun under this Part before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission.

d) An emergency Action may be terminated upon the Executive Director's verification that the Applicant or the Institution has corrected all violations on which the emergency Action was based. Verification includes, but is not limited to, submitting documentation showing that the violation(s) has been corrected or submitting an acceptable plan for correcting the violation(s) and preventing a recurrence(s).

(Source: Amended at Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2790.50 Suspension Proceedings

- a) Scope and Consequences: From its effective date, a Suspension removes an Applicant's or an Institution's eligibility for any or all ISAC programs for a period of time not exceeding 60 days unless the:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Applicant or the Institution and the Executive Director agree to an extension; or

- 2) Executive Director begins a Limitation or Termination proceeding.

b) Procedures: The Executive Director begins a Suspension proceeding by sending a notice to an Applicant or an Institution by certified mail with return receipt requested. The notice must:

- 1) inform the Applicant or the Institution of the intent of the ISAC to suspend the Applicant or the Institution's eligibility, cite the consequences of that action, as outlined in the Matrix--(See-Appendix-A) and identify the alleged violations which constitute the basis for the action;
- 2) specify the proposed effective date of the Suspension, which shall be at least 20 days after the date of mailing of notice of intent;
- 3) inform the Applicant or the Institution that the Suspension will be effective on the date specified in the notice unless the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the Suspension should not take place;
- 4) invite voluntary efforts to correct the violation(s) which led to the commencement of the action; and
- 5) inform the Applicant or the Institution that the failure to request a hearing will be deemed a waiver of that right.

c) If the Applicant or the Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the Applicant or the Institution that the:

- 1) proposed Suspension is dismissed; or
- 2) Suspension is effective as of a specified date.

d) Notice of Suspension will be promptly mailed to the Applicant or the Institution. The Suspension takes effect either upon the date on which the notice is received by the Applicant or the Institution or the originally proposed effective date stated in the notice of intent, whichever is later.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- e) A Suspension shall not exceed 60 days unless a Limitation or Termination proceeding is begun under this Section before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission. (See Section 2790.70, Recommended and Final Decisions.)
- f) If the Applicant or the Institution requests a hearing, at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## Section 2790.60 Limitation or Termination Proceeding

- a) Scope and consequences: From its effective date, a Limitation or Termination shall either:

- 1) result in Limitations on an Applicant's or an Institution's eligibility; or
- 2) end the eligibility of an Applicant or an Institution for any or all programs administered by ISAC.

- b) Procedures: The Executive Director begins a Limitation or Termination proceeding, whether or not a Suspension proceeding or an emergency Action has begun, by sending an Applicant or an Institution a notice, by certified mail with return receipt requested. This notice must:

- 1) inform the Applicant or the Institution of the intent of ISAC to limit or terminate the Applicant's or the Institution's eligibility, cite the consequences of that Action, as outlined in the Matrix--(See Appendix-A) and identify the alleged violations which constitute the basis for the action, and in the case of a Limitation proceeding, state the limits to be imposed;
- 2) specify the proposed effective date of the Limitation or Termination which shall be at least 20 days after the date of mailing of the notice of intent;
- 3) inform the Applicant or the Institution that the Limitation or Termination will not be effective on the date specified in the notice if the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the Limitation or Termination should not take place;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 4) invite voluntary efforts to correct the violation(s) which led to the initiation of the Action; and
  - 5) inform the Applicant or the Institution that the failure to request a hearing will be deemed a waiver of that right.
- c) If the Applicant or the Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the Applicant or the Institution that:
- 1) the proposed Action is dismissed; or
  - 2) Limitations are effective as of a specified date; or
  - 3) the Termination is effective as of a specified date.
- d) If the Applicant or the Institution requests a hearing, at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.
- e) If the Applicant or the Institution wishes to appeal the decision of the Hearing Officer, the procedures outlined in Section 2790.70, Recommended and Final Decisions, shall be followed.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1991)

## Section 2790.70 Recommended and Final Decisions

- a) The Hearing Officer issues an initial or recommended decision based on findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. A recommended decision must be issued no later than 30 days after the conclusion of the hearing.
- b) The recommended decision will be promptly mailed to all parties.
- c) A recommended decision may be appealed to the Commission by filing exceptions to the Hearing Officer's recommended decision and a brief in support of those exceptions no later than 20 days after the receipt of the recommended decision. The opposing party shall have 20 days from the receipt of the exceptions and supporting brief to file a response. If no timely exceptions are filed, the parties will be deemed to have waived their any exceptions and the recommended decision shall be implemented.

- 1) All exceptions, briefs, and response briefs shall be filed with the Executive Director.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 2) Each exception shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken and shall identify that part of the recommended decision to which objection is made. The supporting brief shall designate, by precise citation of pages, the portions of the record relied upon and shall state the grounds for the exceptions and a citation of authorities.
- 3) The Executive Director shall submit to the Commission the Hearing Officer's recommended decision, exceptions and briefs.
- d) The recommended decision of the Hearing Officer does not take effect pending the appeal, unless the Commission determines that a stay would produce a serious and adverse effect upon the programs involved.
- e) In the case of an appeal, the Commission issues a final administrative decision affirming, modifying, or reversing the recommended decision, including a statement or reasons for the decision.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2790.80 Verification of Mailing and Receipt Dates

- a) Verification of the mailing dates and receipt dates referred to in this Part is are evidenced by the original receipt from the U.S. Postal Service.
- b) If an Applicant or an Institution refuses to accept a notice mailed under this section, ISAC considers the notice received on the date the Applicant or the Institution refuses to accept the notice.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2790.90 Limitation

A Limitation may include, as appropriate to the program in question:

- a) a limit on the number or percentage of students Enrolled in an educational Institution who may receive ISAC-administered Funds;
- b) a limit on the Guaranteed Loans that a lending Institution may make, purchase, or hold;
- c) a requirement that an Institution obtain and continue to hold in force and effect a bond, in a specified amount, to assure its

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- ability to meet its financial obligations to students who receive Commission ISAC Funds; or
- d) such other conditions as may be determined to be reasonable and appropriate.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2790.100 Termination

A Termination may include, as appropriate to the program in question:

- a) ending an Applicant's or an Institution's eligibility for any or all Gift Assistance programs administered by ISAC;
- b) prohibiting an Institution from making or increasing financial aid awards administered by ISAC;
- c) prohibiting an Institution from making any new obligations against Funds administered by ISAC;
- d) prohibiting additional ISAC Guaranteed Student Loans for students Enrolled at that Institution or additional guaranteed student loans for an Applicant;
- e) prohibiting a lending Institution from obtaining ISAC guarantees for any borrowers after the effective date of the Termination; or
- f) prohibiting a lending Institution from disbursing loan proceeds.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## Section 2790.110 Payment Period

- a) If an educational Institution is terminated during a payment period, any eligible recipient at that School who has received an award or to whom a commitment has been made before the effective date of Termination may receive payment for that payment period.
- b) The payment period for grant programs is the Academic Year, or from the midpoint to the end of the Academic Year and for loan programs is the period certified on the loan.
- c) If a lending Institution is terminated, the Lender shall proceed with collection due diligence efforts on all loans made prior to the effective date of the Termination.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## Section 2790.120 Reimbursements, Refunds, Offsets and Penalties

- a) The Executive Director, appointed Hearing Officer, or the Commission may require an Applicant or an Institution to take reasonable and appropriate corrective action to remedy a violation of applicable laws, Regulations, special arrangements, agreements, or Limitations.
- b) The corrective action may include payment of any Funds to ISAC, or to designated recipients which the Applicant or the Institution improperly received, withheld, disbursed, or caused to be disbursed.
- c) If any final decision requires an Applicant or an Institution to reimburse or make any other payment to ISAC, ISAC may deduct these claims from any benefits or claims due the Applicant or the Institution.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## Section 2790.130 Reinstatement After Termination

- a) An Applicant or an Institution whose eligibility has been terminated may not file a request for reinstatement until 18 months after the effective date of Termination.

- b) After the minimum Termination period, the Applicant or the Institution may request Commission reinstatement of eligibility. The request must be in writing and must show that the Applicant or the Institution has corrected the violations on which the Termination was based, and has paid in full all liabilities, reimbursements and refunds; and that it meets all qualifications for eligibility.

- c) Within ninety days after receipt of the request for reinstatement, the Commission shall respond to the Applicant or the Institution by:

- 1) granting its request;
- 2) denying its request;
- 3) granting the request subject to other Limitations; or
- 4) conducting a program review to determine that all violations have been corrected, in accordance with Section 2700.60, Audits and Investigations.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- d) If the Commission denies the request or establishes Limitations, the Applicant or the Institution, upon request, will be granted an opportunity to show cause why its eligibility should be fully reinstated.
- e) The Applicant's or the Institution's request for a show-cause meeting shall not waive the right to participate in any or all programs administered by the Commission if it complies with such continuing Limitations pending the outcome of the meeting.
- f) A School that is also a Lender and whose eligibility as a participating School has been terminated, may not be considered for reinstatement as a Lender until it is reinstated as an eligible School.
- g) If a request for reinstatement is denied, the Applicant or the Institution may request reinstatement 18 months after the most recent request, unless the Commission agrees to consider an earlier request.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## Section 2790.140 Hearings

- a) If the Applicant or the Institution requests a hearing at least 5 days before the proposed effective date of a Suspension, Limitation or Termination, the Executive Director sets the date and place for the hearing. The date will be at least 15 days after the Executive Director receives the request.
- b) A Hearing Officer appointed by the Executive Director conducts the hearing on the record.
- c) The Hearing Officer shall regulate the course of the proceedings, the conduct of the parties during the hearing, provide for the orderly presentation of arguments and evidence, and shall take all steps necessary to conduct a fair and impartial hearing.
- d) The Hearing Officer shall take whatever measures are appropriate to expedite the proceeding which may include, but are not limited to:
  - 1) scheduling of pre-hearing conferences;
  - 2) restricting the number or length of submissions;
  - 3) accepting stipulations as to facts and legal authorities;

## ILLINOIS REGISTER

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 4) setting time limits for hearings and submission of written documents; and
- 5) declaring any party who fails to comply with a valid order of the Hearing Officer to be in default, terminating the proceeding and issuing a decision against the non-complying party.
- e) At the hearing, the appointed Hearing Officer shall consider any written material presented before the hearing, or any material or other evidence presented during the course of the hearing. The hearing shall be conducted in accordance with Sections 10, 11 and 12 of the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1010, 1011 and 1012).
- f) The Hearing Officer shall not have authority to issue subpoenas. If requested by the Hearing Officer, ISAC, the Applicant and/or the Institution shall provide persons who have knowledge about the matter under review for oral or written examination.
- g) The ISAC Official has the burden of proof by a preponderance of the evidence in any Suspension, Limitation or Termination hearing.
- h) The Hearing Officer shall only accept evidence that is relevant to the proceeding and not unduly repetitious.
- i) The Hearing Officer shall base findings of fact only on evidence considered at the hearing and on matters given judicial notice.
- j) If, after considering the evidence, the appointed Hearing Officer concludes that a Suspension, Limitation, Termination or penalty is warranted, the Hearing Officer will issue an initial decision that may suspend, limit, terminate or affect the Applicant or the Institution's eligibility in whole or in part, in accordance with the Matrix. (See Appendix-A.)
- k) If a Termination proceeding is brought against an Applicant or an Institution, the appointed Hearing Officer may, in at his or her discretion, issue a decision to impose one or more limitations or penalties on an Applicant or an Institution rather than terminating its eligibility; provided that the decision is in accordance with the Matrix. (See Appendix-A.)
- 1) Expedited Hearing: With the approval of the Hearing Officer and the mutual consent of the parties, any time schedule specified in this Section may be shortened.

## ILLINOIS REGISTER

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- m) The Applicant or the Institution may be represented by legal counsel at a hearing, but ISAC is under no obligation to provide such counsel.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 2700:--APPENDIX A:--Matrix

NATURE OF VIOLATION	1st offense		2nd offense		3rd offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Making Administrative errors affecting 15 to 244 of the funds in an audit sample	Admonishment 6-month limitation	Suspension for 30 days	Suspension for 30 days	Suspension for 30 days	Suspension for 30 days	Termination
(Lender, School)						
Making Administrative errors affecting 25 to 494 of the funds in an audit sample	6-month limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Lender, School)						
Making Administrative errors affecting 50 or more of the funds in an audit sample	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Lender, School)						
Making Administrative errors affecting 50 or more of the funds in an audit sample	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Lender, School)						
Providently submitting incorrect or misleading information on an application	Admonishment 6-month limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Applicant, School)						
Providently supplying false information on a claim or a report	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Lender, Applicant School)						
Failing to make refunds in accordance with regulations	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(School)						
NATURE OF VIOLATION	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Converting funds for personal use by an individual and/or engaging in the unauthorized use of funds by an institution	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Applicant, Lender, School)						
Entering a prior of no contest or being found guilty of a felony charge by any court within the jurisdiction of the United States relating to funds administered by ISAC	Termination		Termination		Termination	
(Applicant, Lender, School)						
Entering a prior of no contest or being found guilty of a misdemeanor by any court within the jurisdiction of the United States relating to funds administered by ISAC	Suspension for 60 days	Termination	Suspension for 60 days	Termination	Suspension for 60 days	Termination
(Applicant, Lender, School)						
Attempting to obtain funds through misusing or false information on an application, a claim or a report	1-year limitation	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Suspension for 60 days	Termination
(Applicant, Lender, School)						

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NATURE OF VIOLATION	1st offense		2nd offense		3rd offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Forging a signature or falsely certifying on application, claim or report	Suspension for 60 days	Termination	Termination	Termination		
(Applicant, School)						
Using a false identity or false personal identification	Suspension for 60 days	Termination	Termination			
(Applicant)						
Obtaining funds through fraudulent means when ineligible	Termination	Termination				
(Applicant, School)						

\*The ordinal number of the offense refers to the enhancement of the penalties for repeated findings, after adjudication, of the same violation.

(Source: Repealed at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section numbers:  
2761.10 amendment  
2761.20 amendment  
2761.30 amendment  
Proposed Action:
- 4) Statutory Authority: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.7b).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2761.30(f) is being added in response to P.A. 86-1439 which became effective on November 28, 1990. That Public Act gave students who graduated during the 1986-87 or 1987-88 academic years, with grade point averages at or above the 90th percentile of their class, an opportunity to be eligible for a scholarship in the amount of \$500.00.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:  
Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS REGISTER  
ILLINOIS STUDENT ASSISTANCE COMMISSION  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION  
PART 2761  
MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section  
2761.10  
2761.20  
2761.30  
2761.40

Summary and Purpose  
Definitions  
Program Procedures  
Program Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.7b).

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

Section 2761.10 Summary and Purpose

- a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1,000 award which must be used for enrollment at an approved Illinois postsecondary institution.
- b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2761.20 Definitions

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.2(c)).



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"Cumulative Grade Point Average" - The average grade earned throughout a student's educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7b, as amended by P.A. 86-1439, effective November 28, 1990).

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Qualified Student" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7b).

"Seventh Semester" - The period of instruction, at the completion of which, a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last Term.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2761.30 Program Procedures

a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.

2) Eligible Applicants must have completed their Seventh Semester of instruction at an Approved High School in Illinois.

b) Eligible Applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary institution attended by the Applicant. A complete application must be received by ISAC prior to June 15th of the Academic Year following graduation from the Approved Illinois High School. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

c) ISAC shall disburse scholarship funds in two or three increments depending based on the number of Terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

3) Upon receipt of scholarship funds, the Institution shall verify the recipients' enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.

4) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment, the Institution shall return the disbursement to ISAC.

d) Scholarship funds are applicable to two semesters or three quarter Terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.

e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed.

f) Notwithstanding the previous provisions of this section, students who graduated during the 1986-87 or 1987-88 school year whose grade point average was at or above the 90th percentile of his or her high school class and who were otherwise eligible to apply for a scholarship under this section shall:

1) be eligible for a scholarship in the amount of \$500.

2) have their names certified as eligible applicants by Approved High Schools on forms submitted by ISAC.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 3) complete an application by June 15th of the academic year in which they receive notification of potential eligibility.
- 4) have the funds disbursed directly to them in one lump sum.
- 5) have Institutions verify that the Qualified Student was: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; and was not the recipient of a baccalaureate degree during the 1987-88 or 1988-89 school year, whichever applies.
- 6) have the scholarships awarded under this subsection provided by a separate appropriation of the general assembly; and
- 7) have a scholarship awarded by ISAC in order of decreasing percentile as determined by their 7th semester cumulative high school grade point average, if funds appropriated are insufficient to provide all Qualified Students with an award.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) 

<u>Section numbers:</u>	<u>Proposed Action:</u>
2735.10	amendment
2735.20	amendment
2735.30	amendment
2735.40	amendment
2735.50	amendment
2735.60	amendment
2735.70	amendment
2735.80	amendment
2735.100	amendment
2735. App. A	amendment

- 4) Statutory Authority: Implementing and authorized by Sections 30-15 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.).

- 5) A Complete Description of the Subjects and Issues Involved:  
ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2735.20 eliminates the 160 semester/240 quarter hour cap on Monetary Award Program (MAP) assistance because this rule has proven to be operationally problematic for ISAC clients and is generally regarded as unnecessary since there are other rules that place reasonable limitations on the benefits a student can receive through the program. Among these other rules are the 10 semester/15 quarter restriction, the baccalaureate degree restriction, and the requirement that recipients continue to satisfy institutional satisfactory academic progress standards. ISAC is confident that the repeal of the rule will in no way jeopardize the integrity of the MAP program and similarly, no fiscal implications are anticipated. Section 2735.30 includes "priority consideration dates" in lieu of application deadlines dates. The previously existing full-year consideration dates of June 1 for renewal students and October 1 for students not enrolled during the prior year remain in place but are designated as priority filing dates. Language has been added to indicate more clearly that students who apply after these dates and meet the MAP eligibility criteria will qualify for and receive grants only to the extent that funds are available. Through the use of priority applications dates, ISAC seeks to encourage students to file their applications in a timely manner, without unnecessarily discouraging applications after those dates. While students who meet the prescribed deadlines will be assured

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

full consideration if found to be MAP-eligible, eligible applicants who miss the priority dates will be cautioned that consideration and payment of their awards will be subject entirely to the availability of funding. In an effort to accommodate extenuating or unusual circumstances, amandatory language is also proposed to extend consideration to students filing "Special Conditions" applications. Additionally, existing rules authorizing the Commission to adjust application deadlines in order to avoid overcommitting appropriated funds are reaffirmed and amended to incorporate the new language on priority dates. Section 2735.50 now specifies the rationale as to why MAP recipients who are eligible for other gift assistance programs are not eligible for a full MAP grant. Section 2735.70 broadens the circumstances under which remedial courses are eligible for MAP payment. Under existing rules, remedial courses are MAP-eligible only if the courses in question are offered for credit. While some institutions offer developmental or remedial coursework for credit, many others provide such courses on a non-credit or reduced credit basis. Frequently, students are required to take such coursework as a prerequisite to or condition of their continued enrollment. The prohibition against MAP payment for these courses has proven to be increasingly confusing to academic counselors and students alike, particularly since these courses qualify for federal student aid. Deleting the prohibition will make ISAC's policy consistent with that governing the federal Pell grant program. Equally significant, the amendment furthers ISAC's goal of providing access to postsecondary education to the truly neediest of students, particularly those from academically disadvantaged backgrounds. Section 2735.80 reaffirms ISAC's authority to establish institutional priority claim filing dates and clarifies that MAP payment claims submitted by schools after the prescribed dates will be paid by ISAC only if available funds permit, based on the date on which the claim was received. It also specifies that advanced payment requests are due on the same date as other information that is reported to ISAC on an annual basis.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2735

## MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Application for MAP Grants
2735.30	Determination of Financial Eligibility
2735.40	Institutional Packaging of Gift Assistance
2735.50	Institutional Eligibility
2735.60	Enrollment Requirements
2735.70	Disbursement of MAP Grants
2735.80	Contractual Agreement Requirements
2735.100	APPENDIX A - Advance Payment Formula
2735	

**AUTHORITY:** Implementing and authorized by Sections 30-15 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.).

**SOURCE:** Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

**Section 2735.10 Summary and Purpose**

- The Monetary Award Program (MAP) provides direct grant assistance to eligible students. MAP grants are apportioned among otherwise eligible Applicants on the basis of relative financial strength and available funds. Recipients must Enroll at approved nonprofit Illinois Institutions in order to utilize MAP grants.
- This Part establishes Rules which govern the Monetary Award Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 15 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**Section 2735.20 Applicant Eligibility****a) All MAP Grant recipients must be:**

- Citizens or Eligible Non-citizens of the United States, and Residents of Illinois.
- Students in good standing in accordance with their Institution's policy of Satisfactory Academic Progress.
- Enrolled on at least a Half-time basis at a MAP-approved postsecondary Institution. (See: Section 2735.60.)
  - A recipient may receive MAP grant payment for less than Half-time enrollment provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's Tuition refund/withdrawal adjustment period. See Section 2735.70(g).

**8B) Effective with Terms beginning on or after July 1, 1990, no person who is incarcerated may receive a MAP grant.**

- All recipients must demonstrate financial eligibility as determined from the financial data supplied to the Illinois Student Assistance Commission (ISAC). (See: Section 2735.40.)

- Eligibility is restricted to undergraduate students.

- MAP recipients must not have received a baccalaureate degree nor have completed more than 160-semester/240-quarter-credit hours at all institutions attended.

- Graduate Students are not eligible for MAP assistance. For purposes of this Part, an Institution shall classify as a "Graduate Student" any student who:
  - is enrolled in an academic program or course above the baccalaureate level which is leading to any degree above the baccalaureate level; and
  - is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and

- has completed the equivalent of at least three years of Full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

## ILLINOIS REGISTER

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Applications received after the priority dates will be considered for MAP awards based on available funds, if any, for partial year or reduced awards.

- 3) All applications received after October 1 but prior to March 15 will be evaluated for grant assistance applicable only to the second semester or the third quarter of the Regular School Year. Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.

- 4) Applications from students qualifying for special conditions pursuant to the Pell Grant Program will be considered as long as there is available funding.

- 45) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the deadline priority dates established by subsection (b).

- c) When an application is incomplete, a notification will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent Term(s).

- d) ISAC informs Applicants that they are MAP recipients on the basis of application data. All announced MAP recipients are subject to Verification and the availability of funds.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2735.40 Determination of Financial Eligibility

- a) Applicants, spouses, and the Parents of Applicants are required to submit financial information on the application, which will be kept confidential, regarding income, asset value, and non-taxable income (e.g., Aid to Families of Dependent Children, public aid, veterans' benefit or Social Security).

- b) After receipt of corrected data, the ISAC shall recalculate awards for those Applicants whose applications are not in basic agreement with their financial records.

## ILLINOIS REGISTER

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- d) A recipient may receive the equivalent of 10 semesters/15 quarters of Full-time equivalent MAP grant payment. See: 23 Ill. Adm. Code 2700.40(h). If a recipient has accumulated less than sixty eligibility units, he/she may receive one additional Term of Full-time MAP assistance.

- e) If an Applicant has completed more than 160 semester/240 quarter hours, the Applicant shall be allowed one additional Term of MAP eligibility provided:

- 1) the additional Term is the final Term necessary to complete an undergraduate degree; and

- 2) the Applicant has not received the equivalent of 10 semesters/15 quarters of Full-time MAP grant payments.

- 3) is a Seniors in their last Term of enrollment prior to receiving a baccalaureate and Applicants Enrolled in student teaching are classified as Full-time Students for purposes of MAP grant eligibility.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2735.30 Application for MAP Grants

- a) An application for a MAP grant must be submitted annually. Applicants may use any one of the forms which the United States Department of Education (ED) designates as an application form for the Pell Grant program. See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1090).

- b) Application Deadlines-Priority Consideration Dates

- 1) Regular School Year applications must be received before June 1 immediately preceding the Regular School Year for which the application is being made from students who were Enrolled in a postsecondary institution during the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students not Enrolled during the previous Regular School Year in order to receive priority consideration for a full year award.

- 2) Applications received between June 1 and October 1 from students Enrolled in a postsecondary institution during the previous Regular School Year will be evaluated for grant assistance applicable either to the second semester or the second and third quarter of the Regular School Year.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved Institution of the Applicant's choice, and is reevaluated if the Institution choice changes.

d) MAP grant recipients request payment through their educational Institution. MAP grant funds are remitted directly to the educational Institution in the name of the recipient after the Institution certifies an Applicant is an eligible recipient.

e) MAP grants are applicable only toward Tuition and Mandatory Fees. MAP grants may not exceed the:

- 1) maximum award specified at Ill. Rev. Stat. 1985 ch. 122, par. 30-15.7(c) as amended by Public Act 84-1300, effective August 19, 1986, or as later amended.

- 2) Institution's Tuition and Mandatory Fee charges on file with ISAC.

f) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district Tuition and Mandatory Fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

g) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2735.50 Institutional Packaging of Gift Assistance

a) MAP recipients must report to the Institution all additional Gift Assistance that applies toward Tuition and Mandatory Fees, such as Tuition waivers and scholarships.

b) If a MAP recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred.

c) If an Applicant is eligible for assistance under the Illinois National Guard/Naval-Militia (NG) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the Applicant is not eligible for a full MAP grant ~~because NG and IVG must be factored into packaging prior to MAP gift assistance.~~ The

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Institution may request payment of a partial MAP grant to finance fee expenses not covered by the above referenced programs.

d) If an Applicant is eligible to receive Tuition or fee benefits through a prepaid or reimbursable Tuition plan, or through a payment to the Institution by the Applicant's employer, the Institution shall request MAP payment in accordance with this subsection:

- 1) A prepaid Tuition plan is any program which exempts a student from Tuition charges because of a payment(s) to the Institution at a time prior to the student's enrollment. A reimbursable Tuition plan is a program which reimburses a student for Tuition costs after satisfactory completion of course work.

- 2) The Institution shall recalculate the Applicant's MAP eligibility by decreasing the Applicant's Tuition and fee charges by the amount of benefits the Applicant is eligible to receive from the sources in subsection (d)(1). The Institution shall report the Applicant's reduced grant award on the payment request list. [See: Section 2735.80]

- 3) The provisions of this subsection shall not apply to benefits under ~~derived from~~ the Baccalaureate Savings Act (Ill. Rev. Stat. 1987, ch. 144, par. 2401 et seq. and 23 Ill. Adm. Code 2771).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2735.60 Institutional Eligibility

To receive MAP grant payments, recipients must enroll at ISAC-approved colleges, universities, or professional colleges. (See: 23 Ill. Adm. Code 2700.30) The Institution must offer at least a two year organized program of collegiate study directly applicable towards the attainment of an associate or baccalaureate degree. Institutions which provide a program in health education directly applicable toward the attainment of a certificate, diploma, or associate degree are also eligible. All eligible Institutions must be nonprofit and located in Illinois. If an Illinois Institution operates a satellite campus outside of Illinois, Residents of Illinois Enrolled in classes at the satellite campus may receive MAP benefits in accordance with Section 2735.70(e).

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2735.70 Enrollment Requirements

- a) It is the responsibility of MAP recipients to gain admission to approved Illinois Institutions. Illinois Institutions are not



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) The recipient must be Enrolled at the MAP approved Institution, and the out-of-state/foreign study must be in conjunction with the approved Institution's curriculum;

2) The MAP approved Institution must record the course credits on the official academic transcript as Institutionally earned credit and not as transfer credit;

3) The recipient must be Enrolled Full-time and must be charged Tuition and fees at least equal to Tuition and Mandatory Fees charged all students.

4) An Institution shall not request more than two semesters/three quarters of MAP assistance for any one recipient.

f) If an announced recipient's credit hour enrollment decreases, the Institution shall only request payment up to the amount of actual expenses incurred.

g) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive MAP grant payment for costs incurred up to the Term award provided the Institution's Tuition refund policy indicates the Applicant has incurred charges in the amount of the claim.

h) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. See: 23 Ill. Adm. Code 2700.40(h).

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

Section 2735.80 Disbursement of MAP Grants

a) Upon receipt of a payment request from the Institution, ISAC remits MAP grant funds to the Institution on behalf of the recipient. The Institution shall credit these funds to the recipient's account.

b) MAP grants are divided into two semester or three quarter regular Term payments and are paid directly to the approved Institution which certifies to ISAC that the Applicant is an eligible recipient.

1) ISAC will annually establish due priority claim dates for return of payment request lists and inform schools of the required due priority dates.

2) Late return of payment request lists will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

obligated to admit Monetary Award recipients. Once the recipient is Enrolled and attending classes, the Institution shall receive Tuition payments and other Mandatory Fees provided by the award. The Institution is obligated to provide Monetary Award recipients the same facilities and instructions, at the same charges, as are provided other students.

b) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. See: e.g., 23 Ill. Adm. Code 215.

c) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings, and correspondence courses except qualifying Remedial Courses. Such course work cannot be used to meet the Half-time or Full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than one year of remedial coursework (i.e., 30 semester hours or 45 quarter hours).

d) For any Institution which has Concurrent Registration opportunities, the following policy pertains:

1) The recipient must indicate his/her Institution of record on the MAP application.

2) The payment of the Term award by ISAC will require the Institution of record to receive MAP payment on behalf of both Institutions and to distribute the appropriate share of the award to the other Institution. Payment by ISAC will not be made to two Institutions.

3) The amount paid cannot exceed the maximum Term award for Full-time or Half-time students at the Institution of record, or the Tuition and Mandatory Fee costs of attending both if the costs are less than the maximum Term award.

4) Concurrent Registration is limited to MAP approved Institutions.

5) The records at the Institution of record must indicate the total credit hours Enrolled.

e) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with the following provisions:

- 3) Under no circumstances are Institutions to return their payment request lists until after the Institution's Tuition refund/withdrawal adjustment period has expired for the Term for which they are requesting payment.

c) MAP grant payment is subject to the limits of dollars appropriated to the ISAC by the General Assembly.

d) Institutional Processing of Payments

- 1) Within thirty days of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the Institution shall credit the MAP funds against the recipients' Tuition and Mandatory Fee charges for the appropriate Term.

2) Following receipt of payment for the Term, Institutions are required to review payments received through the ISAC Monetary Award Program. Any payments received by the Institution that are determined in the review to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds may be caused by billing errors, retroactive withdrawals, and other miscellaneous reasons authorized by these Rules. Should the payment arrive after the end of the Term, the Institution will have 30 days following receipt of payment to complete the review process and return any refunds due.

3) Award payments made in the name of one recipient cannot be applied to another recipient at the same Institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than September 1 due to the State's fiscal year lapse period ending on September 30.

5) Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit; however final action may require Institutions to go to the Illinois Court of Claims to obtain payment for approved claims. See: The Court of Claims Act (Ill. Rev. Stat. 1985, ch. 37, par. 439.1 et seq.).

- 6) If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

e) Advance Payment Option

1) MAP-approved Institutions may request consideration for the advance payment option. To be eligible, the Institution must have received MAP payments for each of the last five Academic Years, and ISAC must have completed an audit of the Institution's performance during the aforementioned Academic Years. Institutions with provisional eligibility shall not receive advance payments. See: 23 Ill. Adm. Code 2700.30(1)(5).

2) Subject to the availability of funds, payments are advanced on a Term-by-Term basis. Advance payments are made in an amount not to exceed seventy-five percent of a Term's announced recipients, adjusted for attrition as determined by subsection (a)(3) (3)(B). The formula by which ISAC computes an Institution's advance payment is illustrated in Appendix A.

3) For purposes of computing an Institution's advance payment, ISAC utilizes the lowest retention rate resulting from the following three formulae.

A) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards.

B) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year.

C) Utilizing the formula in subsection (e)(3)(B), compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.

4) Requests for advance payment shall not be submitted until 10 class-days after the last day of registration for that Term by June 1st with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(e)). The balance of payment due for the current Term will be paid to the Institution after ISAC receives a payment request.

5) If an Advance Payment received by an Institution exceeds the total grant payments for which that Institution's students are

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

eligible, the Institution shall submit the appropriate refund to ISAC prior to the end of the Academic Year.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2735.100 Contractual Agreement Requirements

a) The primary purpose of a MAP-approved contractual course of study must be educational and must lead to, and be required for, a degree or certificate in a published course of study offered by an ISAC-approved Institution.

b) All contractual agreements between ISAC-approved public Institutions and non-approved Institutions must be programs approved by the Illinois Board of Higher Education (IBHE). See: 23 Ill. Adm. Code 1050. All ISAC approved Institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting MAP payment for any contractual course work taken. ISAC shall approve the contractual agreement if the terms are consistent with this Section.

c) The Institution of record must be an ISAC-approved Institution.

d) An approved ISAC-approved Institution may enter into a contractual agreement with a non-approved Institution/agency only if the approved ISAC Institution does not have specific educational facilities and faculties available within the Institution to offer the Illinois Board of Higher Education approved programs.

e) All ISAC-approved Institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more Institutions/agencies. Only courses required for these programs that are included in the published curriculum will be eligible for ISAC payment. Furthermore, only those courses approved by the Illinois Community College Board for baccalaureate or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.

f) The governing boards of all ISAC-approved Institutions not subject to IBHE contractual guidelines and/or program review and approval procedures should certify to ISAC that the following items are included within the contractual agreement and are the responsibilities of the ISAC-approved Institution:

- 1) Administrative responsibility for the program is with the ISAC-approved Institution;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

2) Provisions for program supervision including on-site visits by the ISAC-approved Institution;

3) Admission policies consistent with the approved Institution's policies;

4) Procedures for the maintenance of records and transcripts by the ISAC-approved Institution;

5) Statement on student Tuition, fees, and other charges;

6) Number of credit hours required and criteria for course completion within the program consistent with the approved Institution's policies and guidelines for all programs;

7) Student withdrawal policy consistent with approved Institution policy;

8) Maintenance of liability insurance;

9) Responsibility for faculty employment and evaluation;

10) Availability of student auxiliary services;

11) Consistency with policies, rules, and regulations of other state approval agencies;

12) Establishment and utilization of a representative advisory committee;

13) Provision for follow-up studies consistent with the approved Institution practices;

14) Annual program and contract review by the ISAC-approved Institution; and

15) Certification that the non-approved Institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards.

g) ISAC requires all ISAC-approved Institutions to indicate the percentage of their own students who participate in the contract program(s) of study, and the percentage of all students Enrolled in the nonapproved Institution/agency who will receive Tuition assistance through an approved contractual agreement. When either of these percentages exceed 30%, the contractual agreement will not be approved.



ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

h) All students wishing to enter into programs where contractual courses are taken must be informed by the ISAC-approved Institution whether these courses are eligible for ISAC payment.

i) The Consortium Agreement shall be filed with ISAC along with annual tuition and fee charges (see: 23 Ill. Adm. Code 2700.30(e)).

d) Sample Calculation:

- 1)  $[(859 \times .31) \times .75] \times 403.27 = DA$
- 2)  $(266.29 \times .75) \times 403.27 =$
- 3)  $199,718 \times 403.27 =$
- 4)  $DA = \$80,540.28$

(SOURCE: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2735. APPENDIX A Advance Payment Formula

a) The formula abbreviations are as follows:

- 1) ATA = Announced Term Awards
- 2) ADV = Average Dollar Value of ATA
- 3) CT = Current Term
- 4) DA = Dollars Advanced
- 5) FY = Fiscal Year
- 6) PFY = Previous Fiscal Year
- 7) RR = Retention Rate
- 8) %AD = Percentage Advanced

b) The advanced payment formula established at Section 2735.80(e)(2) may be illustrated demonstrated as follows:

$$[(ATA \times RR) \times \%AD] \times ADV = DA$$

c) Sample Award History:

Announced Awards	Awards Claimed	RR
FYA: 6,050	3,063	.51
FYB: 5,271	3,214	.61
FYC: 5,001	2,313	.46
FYD: 3,333	1,619	.49
PFY: 3,468	1,285	.37

Five year average RR: .49

Total Dollars Announced	Total Dollars Claimed	RR
PFY: \$1,245,568.00	\$383,647.50	.31

CT ATA: 859  
CT ADV: \$403.27  
%AD: .75

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Paul Douglas Teacher Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2762
- 3) Section numbers:

<u>Proposed Action:</u>
2762.10 amendment
2762.20 amendment
2762.30 amendment
2762.40 amendment
- 4) Statutory Authority: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 30-15.4(b) and (f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(b) and (f)).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2762.30(b)(3)(B) states that qualified applicants must be enrolled in institutions approved by the U.S. Department of Education. Section 2762.30(d) is being amended to comply with a mandate issued by the Department of Education. The initial eligibility criteria for this federally-sponsored scholarship may not require attendance at an Illinois institution, however, it may be a final selection criterion. Section 2762.30(e) clarifies that a recipient must make academic progress in order to remain eligible for this scholarship. Section 2762.40(b) now requires only first-time applicants to provide their postsecondary educational institution with a copy of their high school transcript and to apply for a federal Pell Grant to determine the congressional methodology family contribution. Section 2762.30(e) contains provisions included in the teaching agreement/promissory note. Section 2762.30(f)(2) includes the dollar amount of a partial year award as well as a full year award. Section 2762.30(f)(4) adds a new teaching scholarship among the types of financial assistance that a Paul Douglas recipient may not accept while still remaining eligible for this scholarship. Section 2762.40(g) clarifies that only the unused portion of a scholarship is returned to ISAC if the recipient withdraws from enrollment.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No.
  - 9) Are there any other amendments pending on this Part? No.
  - 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
  - 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:  
Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:  
  
Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015
  - 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.
- The full text of the proposed amendments begin on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2762

## PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section	Summary and Purpose
2762.10	Definitions
2762.20	Scholar Eligibility
2762.30	Program Procedures
2762.40	

**AUTHORITY:** Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 30-15.4(b) and (f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(b) and (f)).

**SOURCE:** Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992.

**Section 2762.10 Summary and Purpose**

- a) The Paul Douglas Teacher Scholarship Program provides scholarships to enable and encourages outstanding high school graduates to pursue teaching careers at the pre-school, elementary or secondary school level.
- b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Scholars. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois. See: 34 CFR 653 (1986).
- c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**Section 2762.20 Definitions**

"Federal Regulation" - Regulations promulgated by the United States Department of Education (ED) and codified at 34 CFR 653 (1986). See: 51 Fed. Reg. 35582 (1986).

"Qualified Applicant" - An Applicant who meets the requirements of Section 2762.30(b).

"Scholar" - An individual who has received scholarship assistance under this Part.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education (including the Illinois State Board of Education). For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

**Section 2762.30 Scholar Eligibility**

- a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40.
- b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.
  - 1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.
  - 2) A Qualified Applicant must be a high school graduate who:
    - A) graduated in the top ten percent of his/her graduating class; or
    - B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.
  - 3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate student in a Teacher Education Program.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

A) The Applicant must be Enrolled or accepted for enrollment on a Full-time basis in accordance with the Institution's Satisfactory Academic Progress Policy.

B) Enrollment must be with a postsecondary Institution that is approved by the Department of Education to participate in the Monetary-Award-Program-(MAP).--See: 23-III.-Adm.-Code-2735 Title IV Programs.

c) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70.

d) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:

1) Postsecondary Academic Level. Awards will be made first to renewing applicants then to all seniors, then to all juniors, then to all sophomores, and then to all freshmen.

2) Institution Location. If there are insufficient funds to award scholarships to all Qualified Applicants, those enrolled in Illinois Institutions will receive priority over Applicants attending out-of-state institutions.

23) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.

34) Congressional Methodology Family Contribution (CMFC). If funds are insufficient to make awards to all Applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's CMFC, from lowest to highest. [See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1087kk)]. Awards will be made within the relevant group in order of increasing CMFC.

e) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3). No Scholar may receive more than eight semesters/twelve quarters of scholarship assistance. A Scholar may not receive a scholarship

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

renewal if the Scholar remains at the same academic level for more than two years.

f) The total number of Scholars selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

(Source: Amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

## Section 2762.40 Program Procedures

a) Applications for the Paul Douglas Teacher Scholarship Program are available from: approved High Schools in Illinois; offices of Congressional Representatives from the State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield, and; postsecondary Institutions throughout Illinois.

b) A completed application must be received in ISAC's Deerfield office on or before June 1 preceding the Academic Year for which the scholarship would be available except that Applicants who would be utilizing the scholarship at the freshman Academic level must submit a completed application on or before August 1 preceding the Academic Year for which the scholarship would be available.

1) All first-time Applicants must also apply for a Monetary-Award Program--(MAP) Federal Pell Grant for the purpose of determining CMFC. (See: 23-III.-Adm.-Code-2735)

2) First-time Applicants must also provide their postsecondary Institution a copy of their high school transcript or any other documentation which verifies rank in class upon high school graduation. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).

c) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.

d) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC before the deadline stated on the Renewal application.

e) Prior to receiving scholarship assistance for any Academic Year, the Scholar must sign a Teaching Commitment Agreement/Promissory Note, at the financial-aid-office-of-the-postsecondary-institution-the-Scholar-is-attending.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Institution shall submit the signed Teaching Commitment Agreement/Promissory Note to ISAC, with a Payment-Request-Form
- 2) The Teaching Commitment Agreement/Promissory Note shall require the Scholar to either:

A) to fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded or

B) to repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42 (c)(1)) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.

- 3) The Teaching Commitment/Promissory Note shall include a stipulation that the Scholar teach on a full-time basis for a period of not less than two years for each year of assistance received and a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education.

## f) Scholarship Amount

- 1) In accordance with this subsection, the Scholar's postsecondary institution shall compute the size amount of the scholarship and shall submit a Payment Request Form. The Scholar must have reviewed and signed the Payment Request Form.

- 2) Except as otherwise provided in this subsection, scholarships shall be in the amount of \$5,000 if the student is enrolled for the full Academic Year. The maximum scholarship for one semester is \$2,500.00; the maximum scholarship for one quarter is \$1,666.67.

- 3) If a Paul Douglas Teacher Scholarship, when added to the amount the Scholar is to receive for the same Academic Year under Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1070 et seq.), would exceed the Scholar's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965 (20 U.S.C.A. 108711), as amended, the Institution shall reduce the scholarship by the amount in which the combined awards would exceed the Scholar's cost of attendance.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 4) In any Academic Year in which the Scholar accepts financial assistance through the Teacher Shortage Scholarship Program, or the Mathematics or Science Teacher Scholarship Program (See: 23 Ill. Adm. Code 54: "Fellowship, Traineeship and Scholarship Programs"), or the Minority Teachers of Illinois Scholarship Aid Program (See: 23 Ill. Adm. Code 2763), the Scholar shall not be eligible for scholarship assistance under this Part.

- 5) A Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Scholar's cost of attendance exceeds the amount of the scholarship.

- g) Scholarship funds are applicable towards two semesters/three quarters of Full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify that the Scholar continues to be Enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section numbers:  
2760.5 amendment  
2760.10 amendment  
2760.30 amendment  
2760.40 amendment
- 4) Statutory Authority: Implementing Sections 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.5, 30-15.6, and 30-15.4).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2760.30(i) is being added in response to P.A. 87-689, which became effective on July 1, 1991, and extended State Scholar eligibility to those students who achieved scores at or above the 95th percentile on the American College Testing (ACT) standardized testing examination. Similarly, section 2760.40(f) is being deleted in response to the same public act which repealed the automatic state scholar designation for students attending specific schools having selective academic criteria for admission, without regard to class rank.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section
2760.5
2760.10
2760.30
2760.40

Summary and Purpose
Selection Criteria
Testing and Class Ranking of Students to be Considered for Program
Other Information

AUTHORITY: Implementing Sections 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.5, 30-15.6, and 30-15.4).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654; effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992.

Section 2760.5 Summary and Purpose

- a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student named a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. No financial assistance is awarded by the ISAC through this program.
- b) This Part establishes Rules which govern the State Scholar Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 2760.10 Selection Criteria

- a) The State Scholar Program designates high school seniors as State Scholars if Applicants demonstrate superior academic potential as measured by test scores and high school records; are Citizens of the United States or Eligible Non-citizens; are Residents of the State of Illinois; and, possess Good Moral Character. To be eligible for State Scholar designation, Applicants must rank in the upper half of their class.
- b) For the purposes of this Part, "Good Moral Character" is defined as a student's personal record of conduct, determined by the high school to be in keeping with school and community standards. High schools which withhold their certification of students for reasons of "moral character" shall have the responsibility of explaining their positions, in writing, to parties which have a proper and valid interest in this information.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

- a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to be graduated in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.
- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.
- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.
- 5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must be taken into account the test score submission deadline in subsections (a) and (b).
- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.
- 1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example: Class Rank      GPA

1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent Term rank shall be provided for students planning to be graduated in other than the traditional four years; for example, ranks for three-year graduates shall be as of the fourth semester.
- e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score after first multiplying the SAT verbal score by 2, adding that result to the SAT math score, then using the table below for SAT 2V + M.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Illinois Standard Test Score Table

Illinois Standard Score	SAT 2V+ M	ACT Composite
36	2280 to 2400	36
35	2200 to 2270	35
34	2090 to 2190	34
33	2000 to 2080	33
32	1920 to 1990	32
31	1830 to 1910	31
30	1750 to 1820	30
29	1680 to 1740	29
28	1610 to 1670	28
27	1550 to 1600	27
26	1480 to 1540	26
25	1430 to 1470	25
24	1380 to 1420	24
23	1340 to 1370	23
22	1300 to 1330	22
21	1250 to 1290	21
20	1210 to 1240	20
19	1170 to 1200	19
18	1140 to 1160	18
17	1100 to 1130	17
16	1060 to 1090	16
15	1010 to 1050	15
14	960 to 1000	14
13	910 to 950	13
12	870 to 900	12
11	820 to 860	11
10	810 and below	10
9		9

- f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:
- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:  
Percentile =  $\left[ \frac{\text{Size of Class MINUS (Rank in Class minus .5)}}{\text{plus divided by Size of Class}} \right]$
- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.53 - 99.74	29
99.19 - 99.52	28
98.62 - 99.18	27
97.79 - 98.61	26
96.41 - 97.78	25
94.53 - 96.40	24
91.93 - 94.52	23
85.50 - 91.92	22
84.14 - 85.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.56 - 72.57	18
57.93 - 65.55	17
50.00 - 57.92	16

- g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.
- h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

i) Notwithstanding the previous provisions in this Part, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)

Section 2760.40

Other Information

- a) High School officials or student Applicants shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. See: 23 Ill. Adm. Code 2700.70.
- b) A Certificate of Achievement and congratulatory letter shall be sent to each State Scholar.
- c) A listing of State Scholars shall be available to colleges, high schools, members of the General Assembly, and to the media.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.
- e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Such requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.
- f) -----Contrary provisions of this Part notwithstanding, an Applicant who is enrolled at the Illinois Mathematics and Science Academy shall be designated a State Scholar provided the Applicant has reported to ISAC (pursuant to Section 2760.30) a test score equal to or greater than an Illinois Standard Score of 20.

(Source: Amended at \_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_, 1992)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Student to Student (STS) Program of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3) Section numbers:

Proposed Action:

2770.10 renumbered, added

2770.20 added

2770.30 renumbered, amendment
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Student-to-Student Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 272, as amended by P.A. 86-1445, effective January 1, 1991).
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC proposes the following substantive amendments: Section 2770.10 contains the summary and purpose of this Part so that it will appear in a format similar to all other ISAC rules. Section 2770.20 is added to define the terms used within this Part. Section 2770.30 includes the provisions that were previously located in section 2770.10 and embodies changes that were made in response to P.A. 86-1444, which became effective on January 1, 1991.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section

2770.10 Summary and Purpose

2770.20 Definitions

2770.130 Program Procedures and Requirements

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to provide matching grants for scholarship programs established by student organizations at State-supported colleges and universities, and making an appropriation therefor" the Student-to-Student Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 272, as amended by P.A. 86-1445, effective January 1, 1991).

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992.

Section 2770.10 Program Procedures and Requirements Summary and Purpose

a) Student to Student matching grants are available for Scholarship programs established by student organizations at state-supported Colleges and Universities.

b) This Part established Rules which govern the Student to Student (STS) Program of Matching Grants. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined Terms are indicated by the first letter being capitalized.

(Source: Section 2770.10 renumbered to 2770.30, new section 2770.10 adopted at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2770.20 Definitions

"Scholarship Program" - Defined at Section 1 of the Student-to-Student Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 271, as amended).

"Voluntary Contribution" - Defined at Section 1 of the Student-to-Student Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 271, as amended).

"College or University" - Defined at Section 1 of the Student-to-Student

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 271, as amended).

(Source: Added at Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1992)

Section 2770.130 Program Procedures and Requirements

a) An eligible program is an organized, need-based monetary awards (gift assistance) program for undergraduate students at an Illinois College or public university. The funds for such programs must be derived from voluntary contributions raised by students from students of that College or university according to a plan developed and approved by the students and consistent with university policies.

b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by the Commission.

c) The approval by the students shall approve of the plan for raising voluntary contributions may be by referendum, or by student government (if elected by popular student vote) or other similar general means authorizing a plan in the name of the student body.

d) The contributions, to be eligible for matching funds, must be voluntary (as contrasted to a non-refundable fee or charge). Only those voluntary contributions made by enrolled students of the College or university are eligible for matching. If any fund raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must be clearly identifiable.

e) Particular care must be employed in implementing contribution plans that generate contributions from non-students. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.

f) No eligible contribution can exceed \$9.00 per academic year.

g) The \$1,000 annual limit on a Student-to-Student STS award shall be applicable to all terms including the summer term.

h) Only students who demonstrate need by some nationally recognized needs analysis system can be considered for STS matching grants.

i) STS funds can be used for undergraduates who are otherwise eligible for an ISAC monetary award but have completed their ten (10)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- semesters or fifteen (15) quarters of entitlement eligibility.
- j) Each institution desiring to participate in this program shall inform the ISAC, annually in writing, by the deadline specified by the Commission. The method of seeking student approval of a fund raising plan shall be included in such letter.
- k) A claim for matching funds can be submitted to ISAC by dates specified by the Commission. The initial claim shall include:
- 1) the amount of the claim;
  - 2) how general student approval was obtained;
  - 3) how funds were collected;
  - 4) the steps employed to insure that student contributions were voluntary; and
  - 5) documentation that the claim includes only voluntary contributions by enrolled students.
- l) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.
- m) A pro-rata distribution, if any, will be determined in accordance with general Commission action.
- n) After the ISAC has reviewed a claim and computed the proration, the ISAC shall process the necessary voucher for a check payable to the College or University for the awards.
- o) Each participating College or University shall submit to the Illinois Student Assistance Commission ISAC an annual report, by not later than September 15, following the award year, of the activities, operations, and results of its STS grant program. The ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

(Source: Section 2770.30 renumbered from 2770.10 and amended at \_\_\_ Ill. Reg. \_\_\_, effective \_\_\_, 1992)

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois Cooperative Work Study Program
- 2) Code Citation: 23 Ill. Adm. Code 1015
- 3) Section Numbers:  
     1015.10      Adopted Action:  
     1015.20      New Section  
     1015.30      New Section  
     1015.40      New Section  
     1015.50      New Section  
     1015.60      New Section  
     1015.70      New Section
- 4) Statutory Authority: P.A. 87-513, adopted and effective September 13, 1991
- 5) Effective Date of Rules: March 9, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporation by reference? No.
- 8) Date Filed in Agency's Principal Office: March 4, 1992
- 9) Notice of Proposal Published in Illinois Register: 15 Ill. Reg. 14852, October 18, 1991
- 10) Has JCAR issued a Statement of Objection to these rules? No.
- 11) Difference(s) between proposal and final version:  
     Section 1015.20, Definitions, the following definitions were added:  
     "Administrative costs means costs other than student wages and salaries, items that go into the hands of students, cost reimbursements to students, and the cost of audits.  
     "Illinois resident student." To qualify as an Illinois resident student, one of the following two requirements must be met:  
     At least one parent, step-parent, or court-appointed guardian must reside in Illinois; or  
     The emancipated (self-supporting) student must have lived in Illinois in some capacity other than as a student at an Illinois public or nonpublic institution of higher education, for a period of 12 consecutive months immediately prior to the enrollment.  
     Section 1015.40(a)(8), the word "or" was deleted following the word education.  
     Section 1015.40(b)(4), a comma was added after the word laws, and the following language was added: "including but not limited to equal employment opportunity, minimum wage, and occupational health and safety."  
     Section 1015.50(b)(6), following the word audit, the words "which is" were added.



## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

Section 1015.60, the heading Grant Agreement was changed to read "Grant Criteria."

Section 1015.60(e) and (f) and two places in Section 1015.70(d) where the language reads "within ninety days of", the word "of" was changed to "after."

Section 1015.70, the words "and Guidelines" were deleted from the heading.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule: The rule implements P.A. 87-513, the Illinois Cooperative Work Study Program Act. Included are definitions, criteria for selection of grants, grant application procedures, requirements for grant agreements, and audit requirements and guidelines.

16) Information and questions regarding this adopted rule shall be directed to:

Carolyn Lorton, Assistant Director  
Illinois Board of Higher Education  
4 West Old Capitol Square, Room 500  
Springfield, Illinois 62701  
217/782-2551

The full text of the Adopted Amendments begins on the next page:

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1015

## ILLINOIS COOPERATIVE WORK STUDY PROGRAM

Section	Purpose
1015.10	Definitions
1015.20	Eligible Applicants
1015.30	Selection of Projects for Grants
1015.40	Grant Application Procedures
1015.50	Grant Criteria
1015.60	Audit Requirements
1015.70	

AUTHORITY: Implementing and authorized by AN ACT to establish and implement a cooperative work study program, (P.A. 87-513, adopted September 13, 1991, effective September 13, 1991).

SOURCE: Adopted at 16 Ill. Reg. 4496, effective March 9, 1992

## Section 1015.10 Purpose

*The purpose of the Illinois Cooperative Work Study Program is to provide a program of financial assistance to support student cooperative work study programs in higher education to benefit students academically and financially, reduce reliance on loans, enhance public-private sector partnerships, and encourage students to seek permanent employment in Illinois. (Section 3 of Public Act 87-513 (the Act), adopted September 13, 1991, effective September 13, 1991)*

## Section 1015.20 Definitions

"Administrative costs" means costs other than student wages and salaries, items that go into the hands of students, cost reimbursements to students, and the cost of audits.

"Board" means the Illinois Board of Higher Education.

"Cooperative work study" means an academically related work and study experience with business, industry, government or other agencies and organizations. Cooperative work study may include, but is not limited to, summer internships, clinical placements, internships and work experiences during the academic year.

"Illinois resident student." To qualify as an Illinois resident student, one of the following two requirements must be met:

At least one parent, step-parent, or court-appointed guardian must reside in Illinois;  
or

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

The emancipated (self-supporting) student must have lived in Illinois, in some capacity other than as a student at an Illinois public or nonpublic institution of higher education, for a period of 12 consecutive months immediately prior to the enrollment.

"Nonpublic institution of higher education" means an Illinois educational organization, other than a public institution of higher education, that provides a minimum of an organized two-year program at the private junior college level or higher and that operates in conformity with standards substantially equivalent to those of the public institutions of higher education.

"Public institution of higher education" means the University of Illinois, Southern Illinois University, the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities, the several Regency Universities under the jurisdiction of the Board of Regents, the public community colleges of this State, and any other public universities, colleges and community colleges now or hereafter established or authorized by the General Assembly. (Section 2 of the Act)

## Section 1015.30 Eligible Applicants

Eligible applicants are nonpublic and public institutions of higher education.

## Section 1015.40 Selection of Projects for Grants

a) Grants shall be made for projects that support Illinois resident undergraduate students. In addition, the Board shall consider whether the projects:

- 1) expand opportunities for students to pursue internships, clinical placement, cooperative programs with business and industry, and other work opportunities linked to a student's academic program;
- 2) strengthen cooperation between higher education, business, industry, and government;
- 3) promote school/college partnerships;
- 4) encourage social and community service;
- 5) maximize the use of matching contributions from business and industry, governmental and social agencies, and participating colleges and universities to support student wages;
- 6) create new opportunities for partnerships between the public and private sectors;
- 7) integrate other components of student financial aid to reduce reliance on student loans;
- 8) support work experiences for students in academic programs of engineering, science, math, and education;
- 9) encourage students to seek permanent employment in Illinois. (Section 3 of the Act)

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

b) In addition, projects shall:

- 1) not serve a sectarian purpose; (Section 3 of the Act)
- 2) not include partisan political activity;
- 3) either be new initiatives or projects that supplement, but not supplant, existing initiatives; and
- 4) comply with applicable state and federal laws, including but not limited to, equal employment opportunity, minimum wage, and occupational health and safety.

## Section 1015.50 Grant Application Procedures

a) At any time that grant funds become available or that the Board has reason to believe that grant funds may become available, the Board shall notify in writing the chief executive officer of every public and nonpublic institution of higher education in the State of Illinois of the availability or projected availability of such funds. Such notice shall contain, at a minimum, the following information:

- 1) The deadline for the submission of applications, which deadline shall not be less than 45 days from the date of mailing of such notice; and
- 2) The date which such grants will be made and the deadline for the completion of grant projects, which deadline shall not be more than two years.

b) Grant project proposals shall contain, at a minimum:

- 1) Synopsis;
- 2) Statement of goals and specific objectives consistent with Section 1015.40;
- 3) Detailed description of the proposed project, including activities, completion schedule, operating procedures and justification for funding;
- 4) The amount(s) and source(s) of matching contributions earmarked for the project;
- 5) Evaluation procedures to determine the effectiveness of the project; and
- 6) Proposed budget, including audit, which is an allowable expenditure of grant funds. Administrative costs are not an allowable expenditure of grant funds.

c) The Board staff shall review application documents of all institutions for compliance with the application and eligibility requirements. The Board staff may request additional documents or a meeting between its staff and institutional representatives to discuss questions about application documents. In the event that material submitted by an applicant institution is incomplete or not of sufficient detail to provide an understanding of the proposed project or

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

its justification, the Board staff will request additional information for clarification or substantiation.

- d) The Board shall notify each applicant in writing concerning whether or not it received a grant.

- e) Application information may be obtained from and shall be submitted to:

Illinois Cooperative Work Study Program  
Illinois Board of Higher Education  
4 West Old Capitol Square, Room 500  
Springfield, Illinois 62701

## Section 1015.60

## Grant Criteria

- a) Non-Discrimination. No recipient shall discriminate on the basis of race, creed, sex, handicap, color, or national origin in the employment, training, or promotion of personnel or in the implementation of the program funded by the grant.

- b) Grant Period. Grants shall be for the period stated in the grant agreement but in no event for more than two years.

- c) Unexpended Grant Funds. Any unexpended portion of the grant funds shall be refunded to the Board.

- d) Record Keeping. All costs charged to the program shall be supported by properly executed documents. Such records shall be kept separately from other documents and maintained for a period of three years after receipt of final payment.

- e) Evaluation. Within ninety days after the end of the grant period, the recipient shall submit to the Board an evaluation of the project. The evaluation of the project shall include systematic and objective procedures for appraising the project with respect to how closely the purposes were fulfilled and an explanation of any deviation therefrom.

- f) Audit. Within ninety days after the end of the grant period the recipient shall submit an audit of expenditure of grant funds provided under this program prepared by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Any recipient which fails to submit an audit shall refund the entire grant amount to the Board. Complete payment of grant funds for any continuing project shall be contingent upon submission of the evaluation and audit for the previous grant period.

- g) Contracts. All grants awarded under this program shall be made through contractual agreements between the Board and the recipient. Such agreements shall comply with the provisions of the Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2301 et seq.).

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED RULES

## Section 1015.70 Audit Requirements

- a) Institutions shall contract with an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation.

- b) The auditor shall obtain copies of the following grant documents: the executed grant agreement and a copy of this Part.

- c) The auditor shall verify the expenditure of grant funds as provided for in the grant agreement and this Part.

- d) The auditors shall provide an audit including a description of the tests performed and the audit findings to the Board within 90 days after the termination of the grant period or within 90 days after the end of the institution's fiscal year for institutions electing to fulfill the audit requirements as part of their annual audit as provided by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, par. 2302).

- e) Refunds shall be made to the State by institutions for the following reasons:

- 1) Grant funds not expended;

- 2) Grant funds expended for purposes not allowed under this Part or under the grant agreement;

- 3) Grant funds received by the grantee for which the grantee is subsequently determined not to be eligible.

- f) The cost of an audit is an allowable use of grant funds.



## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Public Information, Rulemaking, and Organization

2) Code Citation: 2 Ill. Adm. Code 1720

3) Section Numbers: Adopted Action:

1720.100	New Section
1720.110	New Section
1720.120	New Section
1720.200	New Section
1720.210	New Section
1720.300	New Section
1720.310	New Section
1720.320	New Section
1720.330	New Section
1720.340	New Section
1720.350	New Section
1720.360	New Section
1720.370	New Section
1720.380	New Section

4) Statutory Authority: P.A. 85-1408, effective January 1, 1991.

5) Effective Date of Rules: March 10, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these proposed rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 24, 1992

9) Notice of Proposal Published in Illinois Register: Internal rules not subject to first notice requirement.

10) Has JCAR Issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? These rules were not subject to JCAR review.

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rules: These rules establish guidelines and procedures for public inquiries and submissions of information regarding subjects, programs, and activities of the Illinois Motor Vehicle Theft Prevention Council and for rulemaking by the Illinois Motor Vehicle Theft Prevention Council. In addition, these rules establish the organizational structure and guidelines of the Illinois Motor Vehicle Theft Prevention Council.

16) Information and questions regarding these adopted rules shall be directed to:

Gerard Ramker, Program Director  
Illinois Motor Vehicle Theft Prevention Council  
c/o Illinois Criminal Justice Information Authority  
120 South Riverside Plaza, Suite 1016  
Chicago, Illinois 60606-3997  
312-793-8550

The full text of the adopted rules begins on the next page:

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

## TITLE 2: GOVERNMENTAL ORGANIZATION

## SUBTITLE E: MISCELLANEOUS STATE AGENCIES

## CHAPTER X: ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

AUTHORITY: Implementing and authorized by The Illinois Motor Vehicle Theft Prevention Act (P.A. 86-1408, effective January 1, 1991).

SOURCE: Adopted at 16 Ill. Reg. 4503, effective March 10, 1992.

## PART 1720

## PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

## SUBPART A: PUBLIC INFORMATION

Section	
1720.100	Applicability
1720.110	Public Requests
1720.120	Public Submissions

## SUBPART B: RULEMAKING

Section	
1720.200	Procedure
1720.210	Public Hearings

## SUBPART C: ORGANIZATION

Section	
1720.300	Preamble
1720.310	Membership and Officers
1720.320	Meetings
1720.330	Committees
1720.340	Council Staff
1720.350	Annual Council Budget
1720.360	Amendment of Organizational Rules
1720.370	Unspecified Matters
1720.380	Effective Date

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

## SUBPART A: PUBLIC INFORMATION

## Section 1720.100 Applicability

This section applies to any interested persons seeking or submitting information regarding subjects, services, programs and activities of the Illinois Motor Vehicle Theft Prevention Council (hereinafter called "the Council").

## Section 1720.110 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested and the reason for the request. Requests should be directed to:

Illinois Motor Vehicle Theft Prevention Council  
c/o Executive Director  
Illinois Criminal Justice Information Authority  
120 South Riverside Plaza  
Chicago, Illinois 60606

- b) The Executive Director of the Illinois Criminal Justice Information Authority, on behalf of the Council, shall respond to such requests within (7) working days of receipt, whenever possible.
- c) When the request for information calls for information which is confidential or is limited or prohibited by law, the requester shall be so notified in writing.

## Section 1720.120 Public Submissions

Any interested person may submit comments and recommendations regarding subjects,

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

services, programs and activities of the Council in writing to:

Illinois Motor Vehicle Theft Prevention Council  
c/o Executive Director  
Illinois Criminal Justice Information Authority  
120 South Riverside Plaza  
Chicago, Illinois 60606

## SUBPART B: RULEMAKING

## Section 1720.200 Procedure

- a) Rules may be proposed by any member of the Illinois Motor Vehicle Theft Prevention Council (hereinafter called "the Council"), or the Executive Director of the Illinois Criminal Justice Information Authority. However, rules shall be issued only by the Council.
- b) Any interested person may petition the Executive Director of the Illinois Criminal Justice Information Authority to make, amend or repeal a rule. The Executive Director shall refer all petitions, with staff review and recommendations, to the Council which shall decide whether or not to recommend further action.
  - 1) The petition shall be addressed to:
 

Illinois Motor Vehicle Theft Prevention Council  
c/o Executive Director  
Illinois Criminal Justice Information Authority  
120 S. Riverside Plaza  
Chicago, Illinois 60606
  - 2) The petition shall contain a clear statement of reasons for the proposed



## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

rule, amendment or repeal and the exact language of the suggested new rule or amendment.

"is to prevent, combat and reduce motor vehicle theft in Illinois; to improve and support motor vehicle theft law enforcement, prosecution and administration of motor vehicle theft laws by establishing statewide planning capabilities for and coordination of financial resources."

- c) All rules promulgated by the Council shall be in accordance with the procedures for issuing proposed rules and for their ultimate adoption in accordance with the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.).

## Section 1720.310 Membership and Officers

- d) Rules adopted by the Council shall be available for public inspection during normal working hours at 120 South Riverside Plaza, Chicago, Illinois.

## Section 1720.210 Public Hearings

- a) Council - The Illinois Motor Vehicle Theft Prevention Council consists of eleven (11) members. The members include the Secretary of State or his designee, the Director of the Department of Insurance, the Director of the Department of State Police, the State's Attorney of Cook County, the Superintendent of the Chicago Police Department, and the following six (6) additional members, each of whom shall be appointed by the Governor: a state's attorney of a county other than Cook, a chief executive law enforcement official from a jurisdiction other than the City of Chicago, three (3) representatives of insurers authorized to write motor vehicle insurance in this State, at least two (2) of whom shall be domiciled in this state, and one representative of purchasers of motor vehicle insurance in this state who is not employed by or connected with the business of insurance.

- b) Chairman - The Chairman shall be a Council member designated by and serving at the pleasure of the Governor.

- c) Minutes of public hearings shall be recorded and shall be available for public inspection.

- c) Vice Chairman - The Vice Chairman shall be a Council member designated by and serving at the pleasure of the Chairman. Upon disability or unavailability of the Chairman, the Vice Chairman shall function as the Chairman until the Chairman again becomes able or available or until the Governor appoints a new Chairman.

## SUBPART C: ORGANIZATION

## Section 1720.300 Preamble

The Illinois Motor Vehicle Theft Prevention Council (hereinafter called the "Council"), created within the Illinois Criminal Justice Information Authority (hereinafter called the "Authority"), shall have the duties and responsibilities set forth in the Illinois Motor Vehicle Theft Prevention Act (P.A. 86-1408, effective January 1, 1991). The stated purpose of this Act

- d) Secretary - The Secretary shall be appointed by and serve at the pleasure of the Chairman. The Secretary need not be a Council member, but if he or she is not a Council member, he or she may not exercise the powers and functions of Council members. The Secretary shall draft and forward the minutes of each

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

meeting to Council members prior to the next Council meeting, at which time they shall be submitted to the Council for approval. Copies of approved minutes shall be promptly sent to the Governor's office and anyone who requests them. The Secretary shall also provide for the public notice of regular, rescheduled and special Council meetings as required by the Illinois Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, pars. 41-46), and perform such other tasks as the Chairman designates.

## Section 1720.320 Meetings

- a) Regular Meetings - Regular meetings of the Council shall be held at least quarterly at the offices of the Council or at some location to be determined by the Chairman. Meetings and notice for meetings shall be in conformance with the Illinois Open Meetings Act.
- b) Special Meetings - Special meetings of the Council shall be called in conformance with the Illinois Open Meetings Act either by the Chairman or by a request signed by at least four (4) Council members. Only matters contained in the agenda shall be voted on at any special meeting. In the event the need for a special meeting no longer exists or the Chairman has notice that a quorum will not be reached, the Chairman may cancel a special meeting provided that a meeting called at the request of Council members may be canceled only with their consent.
- c) Public Hearings - The Council may convene public hearings, upon at least fourteen (14) days notice, in order to establish a record of public comment on proposed rules, regulations, legislation, or other matters of concern to the Council. Public hearings shall be called by the Chairman upon passage of a motion by the Council at a regular or special meeting to that effect. When appropriate, non-Council members may be appointed by the Chairman to assist in the conduct of such a public hearing. The presence of a majority of the number of Council members shall not be required in order to conduct public hearings, however, at least one (1) Council member must be present.

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

- d) Quorum - A quorum shall constitute six (6) Council members who are present at the initial roll call at the commencement of any regular or special meeting. If a quorum is not present at the scheduled time of the meeting, the Chairman may continue a roll call for a reasonable time after which, if a quorum is still not present, the meeting shall be adjourned.
- e) Passage of Motions - After a quorum is announced, a majority of those voting on a motion shall be sufficient to pass and make it the official act of the Council. After a quorum is announced, Council business may continue to be transacted by the members remaining, provided, however, that no vote may be taken unless at least four of the members then holding office are still present at the time of the vote.
- f) Voting Procedures - The Chairman shall have the right to call for a vote by voice vote or by leave to adopt a previous roll call vote, in all cases, unless there is an objection by one member, in which case a roll call vote shall be taken. The minutes shall reflect the results of each roll call.
- g) Participation in Meetings
  - 1) Proxies - Proxies to vote shall not be permitted. A Council member must be present to record his or her vote and to present a motion or motions.
  - 2) Written Communication - When unavailable for meetings, Council members may present signed and dated written communications which shall be distributed or read to Council Members by the Chairman. Such written communication shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written communication. Such written communications shall be included in the minutes of the meeting.
  - 3) Discussion - Discussion and participation in meetings shall be subject to



## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

Robert's Rules of Order. Non-Council members may not address the Council or otherwise participate in its meetings in any manner without the consent of the Chairman. However, if there is an objection by a Council member to such address there shall be a vote of the Council upon the matter. The Executive Director and other members of the staff shall have the right to address the Council and participate in discussion.

- 4) Disruption - Anyone disrupting or otherwise interfering with the conduct of a meeting shall be removed from the place of meeting by order of the Chairman.

- h) Agenda - The Chairman shall prescribe the agenda for all Council meetings. Any Council member may have an item placed on the agenda by notifying the Chairman in writing in advance of the mailing of the agenda. Such notification also should include a copy of any written materials that the Council member wishes distributed to the Council members. In every agenda, except at special meetings, there shall be a category entitled "New Business" for the initiation of matters not included in the agenda for that meeting. However, new business matters that would adversely affect the rights of any party(ies) may not be finally acted on unless the party(ies) affected has been given prior written notice thereof.

- i) Notice - An agenda, together with a notice of the time and place of all regular meetings shall be mailed to Council members at least seven (7) days prior to the meeting date. The Chairman may postpone or reschedule any regular or special meeting upon at least 24 hours notice—by telephone, mail or equivalent means—prior to the scheduled meeting. Notice of the rescheduled meeting date shall be provided at least 24 hours in advance. However, no rescheduled regular or special meetings which is to include public hearings or regulatory or rulemaking proceedings shall be rescheduled without notice being mailed at least seven (7) days prior to the rescheduled meeting date.

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

- j) Expenses - Members of the Council shall serve without compensation. Council Members shall be entitled to reimbursement for reasonable expenses incurred in connection with their duties.

## Section 1720.330 Committees

- a) Committee Structure - The Council may have both ad hoc and standing committees.
- b) Standing Committees - Standing Committees shall be established by the Council through resolution directing the Chairman to appoint such a committee and defining the committee's mission and responsibility. The committees shall function consistent with subsection (j) below. Standing committee reports and recommendations shall be presented to the Council for review, consideration, acceptance, adoption, or other appropriate Council action. The Council shall establish the following standing committees with the powers and duties stated.

- 1) Budget Committee - The Budget Committee shall:

- A) review and approve the annual fiscal year budget of the Council presented by the Executive Director pursuant to Section 1720.350;
- B) receive regular fiscal reports from the Executive Director about the funds made available to further the purposes of the Illinois Motor Vehicle Theft Prevention Act;
- C) present testimony and advocate Council budget requests before the Governor and General Assembly; and
- D) perform other functions which may be assigned by the Chairman.



## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

- 2) Grant Review Committee - The Grant Review Committee shall:
  - A) recommend programs, implementing entities, and award amounts to the Council, consistent with the Act, the Rules for the Award and Monitoring of Trust Funds, and the annual statewide strategy approved by the Council;
  - c) Ad Hoc Committees - Ad Hoc Committees shall exercise those powers as are delegated to them by the Chairman, these Organizational Rules, and as are appropriate to their mission and responsibility. Ad Hoc Committee reports and recommendations shall be submitted to the Chairman and the Council and shall be advisory only.
  - d) Membership - The Chairman shall appoint all committee chairmen and vice chairmen. Standing committees shall consist of at least three (3) Council members appointed by the Chairman. Ad Hoc Committees shall include at least one Council member, appointed by the Chairman. The Chairman may appoint non-Council members to an ad hoc committee. The members of all committees shall serve at the pleasure of the Chairman.
  - 1) Committee Designees - A Council member may appoint a deputy director, assistant director, or a similar senior level staff person as the Council member's designee to serve as a voting member on a committee. Such designation shall be submitted in writing to the Chairman of the Council who will inform the appropriate committee chairmen.
  - 2) Written Communication - When unavailable for meetings, committee members or their designees may present signed and dated written communications which shall be distributed or read to committee members by the chairman. Such written communications shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

- communication. Such written communications shall be included in the minutes of the committee meeting.
- e) Meetings - Either the Chairman or a committee chairman may schedule a committee meeting.
  - f) Quorum - A quorum of a committee shall constitute a majority of the committee members or their designees including the committee chairman or vice chairman, who are present at the initial roll call at the commencement of any committee meeting. If a quorum is not present at the scheduled time of the meeting, the committee chairman may continue a roll call for a reasonable time after which, if a quorum is still not present, the committee meeting shall be adjourned. No vote may be taken unless at least three (3) committee members or their designees, are present at the time of the vote, and at least one committee member present is a Council member.
  - g) Participation - With the consent of a committee chairman, representatives of any Council member, specifically designated to the Chairman of the Council, may participate in any committee meeting for discussion purposes. Members of the Council who are not committee members shall have the right to participate in committee meetings but shall not have the right to vote. However, the Chairman of the Council may designate any Council member to become an ad hoc voting member of a committee when necessary to ensure a quorum.
  - h) Notice - A committee meeting shall be scheduled upon at least seven (7) days notice by telephone, mail, or equivalent means, to committee members. However, notice for any committee meeting involving public hearings or regulatory or rulemaking proceedings must be mailed at least fourteen (14) business days prior to the meeting date.
  - i) Oversight of Committees - In order to provide for oversight by the Council of committee activities, whether ad hoc or standing, Council members shall be

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

notified by phone, mail, or equivalent means, of all motions passed by a particular committee, within seven (7) days of any committee meeting, or prior to the next meeting of that committee, or before the next meeting of the Council, whichever is sooner. Within fourteen (14) days of receipt of such information, a special meeting of the Council may be convened upon the request of four (4) Council members, for the purpose of fully discussing any action taken by a committee and to supersede the authorization granted to the committee to act on the Council's behalf in any particular matter.

- j) Minutes and Reports - Minutes of all committee meetings shall be kept. Copies of minutes shall be furnished to all members of the Council within 42 days following each committee meeting. Minutes and reports shall be the responsibility of the committee secretary.
- k) Rules - Committees shall be governed by these Organizational Rules and any and all amendments thereto.

## Section 1720.340 Council Staff

- a) Executive Director - The Executive Director of the Authority shall be appointed by and shall serve at the pleasure of the Governor. In addition to Authority duties and responsibilities, the Executive Director shall function as the chief executive officer of the Council. In that capacity, and at the direction of the Council, the Executive Director is authorized to bind the Council in contractual and other matters affecting the general operations and responsibilities of the Council, as provided in the Illinois Motor Vehicle Theft Prevention Act. The Executive Director shall administer the Motor Vehicle Theft Prevention Trust Fund at the direction of the Council, and may also exercise such additional powers on behalf of or as may be delegated to him from time to time by the Council or its committees.

- b) Council Staff - The Council Staff shall consist of such administrative, professional, clerical and other personnel as deemed required by the Executive

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

Director and allowed for in the annual budget approved pursuant to Section 1720.350 of these rules, to assist the Council in performing its duties and fulfilling its responsibilities. The Council staff shall be organized by the Executive Director as he may deem appropriate to effectuate the purposes of the Motor Vehicle Theft Prevention Act.

## Section 1720.350 Annual Council Budget

- a) Annual Budget - On an annual basis, the Executive Director shall prepare for the Council's review and approval a fiscal year budget for operations, awards and grants, and Trust Fund Income.
- b) Appropriations - The budget approved by the Council shall be incorporated into the Illinois Criminal Justice Information Authority's regular requests for appropriations in the form and manner required by the Bureau of the Budget, and shall be submitted to the Governor's Office by the Executive Director on behalf of the Council.
- c) Supplemental Appropriations - Requests for supplemental appropriations, if necessary, shall also be prepared by the Executive Director for consideration by the Council, prior to submission to the Governor's Office.

## Section 1720.360 Amendment of Organizational Rules

These Organizational Rules may be amended at any regular or special meeting by a majority of the members present, provided that the proposed amendment shall have been distributed at least seven (7) days prior to such meeting.

## Section 1720.370 Unspecified Matters

All matters not specified by these Organizational Rules shall be governed by the Illinois Motor Vehicle Theft Prevention Act (Public Act 86-1408), the Illinois Criminal Justice Information Act (Ill. Rev. Stat. 1989, ch. 38, par. 210-1 et seq.), the Open Meetings Act (Ill.

## ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

## NOTICE OF ADOPTED RULES

Rev. Stat. 1989, ch. 102, par. 41 et seq.), the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.), the rules of the Illinois Criminal Justice Information Authority, the rules of the Illinois Motor Vehicle Theft Prevention Council, and the latest edition of Robert's Rules of Order whenever applicable.

## Section 1720.380 Effective Date

The Organizational Rules take effect upon their approval by a majority of those Council members present, and the filing of a copy thereof with the Office of the Secretary of State, and the fulfilling of any other statutory requirements, in accordance with the law.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Security Areas

2) Code Citation 11 Ill. Adm. Code 436

3) <u>Section Number:</u>	<u>Adopted Action:</u>
436.05	New Section
436.10	Repeal
436.20	Amendment
436.30	Repeal
436.40	Repeal
436.50	Repeal
436.60	Amendment
436.70	Amendment
436.80	Repeal
436.90	Repeal
436.100	Amendment
436.110	Amendment
436.120	Repeal
436.130	Amendment
436.140	Repeal

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)

5) Effective Date of Rule: March 10, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: March 10, 1992

9) Notice of Proposal Published in Illinois Register: 15 Ill. Reg. 15655, November 1, 1991.

10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version: "The format and contents of the sign shall include, but not be limited to, the dimensions of 8½" by 11" and the words "Security Area" which are easily read and understood by those licensees in the barn area," was added as the second sentence in Section 436.05(b). "The criteria for determining the number of guards at each racetrack shall include, but not be limited to, the number of horses entered to race that day, the distribution of the barns at the racetrack, and the total number of barns at the racetrack," was added as fourth sentence in Section 435.05(d). The text "(11 Ill. Adm. Code 1302.90 and 1408.60)" was added after "Illinois Racing Board credentials" in Section 436.05(d). Subsection a) in Section 436.60 was underscored. The notation "Subpart B" was placed after Section 436.60.



## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: On August 9, 1991, Governor Edgar signed Public Act 87-0110 which abolished the provision for the "security barn". Under the new law, the Racing Secretary assigns each horse a stall and the Illinois Racing Board is required to provide rules for "pre-race security". The attached proposed rules deal specifically with the time period for pre-race security, signs designating stalls as "secure" and requirements for guarding horses while in the designated security areas. These proposals also specifically outline penalties for violations of the provisions referenced above. References to the previous security barn system will be repeated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board  
Legal Department  
State of Illinois Center  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 436

## SECURITY BARNS AREAS

## SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

Section	
436.5	Security Area
436.10	Security Barn Location (Repealed)
436.20	Sanitation, Hygiene and Health
436.30	Fire and Safety Regulations (Repealed)
436.40	Fencing and Lighting (Repealed)
436.50	Security and Barn Offices (Repealed)
436.60	Penalties

## SUBPART B: CONDUCT IN SECURITY BARN-LOCATIONS AREA

Section	
436.70	Reporting for Stall Assignments
436.80	Identification Badges (Repealed)
436.90	Reporting to Security Barn Stall Assignments (Repealed)
436.100	Prohibited Conduct Equipment and Substances
436.110	Trainer's Responsibility to Guard
436.120	Access to Security Barn (Repealed)
436.130	Bleeder List Horses
436.140	Leaving the Security Barn (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat., 1991, ch. 8, par. 36a(b) and P.A. 87-0110).

SOURCE: Adopted at 12 Ill. Reg. 6304, effective March 18, 1988; emergency amendment at 15 Ill. Reg. 12944, effective August 16, 1991, for a maximum of 150 days; 1992 amended at 16 Ill. Reg. 4520, effective March 10, 1992.

## SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

## Section 436.5 Security Area

- a) Every horse entered to race shall be in the stall assigned to it by the Racing Secretary two (2) hours prior to the post time of the race in which the horse is entered, and shall remain there until its presence is required in the paddock. Standardbreds may leave their stall for purposes of warming up prior to the start of the race.
- b) A sign designating the horse's stall as a secure area shall be posted

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.30 Fire and Safety Regulations (Repealed)

Each organization licensee shall maintain its security barn location in compliance with the fire regulations contained in 11 Ill. Adm. Code 403. Each organization licensee shall provide a number of uniformed security guards so as to protect and preserve the security of the security barn area.

(Source: Repealed 1992, 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.40 Fencing and Lighting (Repealed)

Each organization licensee shall provide fencing which shall be erected around the perimeter of the security barn location and which shall allow space sufficient for walking horses in the enclosed area. The organization licensee shall also provide interior and exterior lighting sufficient to allow the monitoring, care and preparation of the horses in the security barn.

(Source: Repealed at 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.50 Security Barn Offices (Repealed)

Each organization licensee shall provide an office in close proximity to the security barn location for Board representatives to carry out their duties of inspection and regulation.

(Source: Repealed 1992, 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.60 Penalties

- A civil penalty shall be imposed upon any organization licensee who fails to meet the requirements of any or all sections contained in Subpart A consistent with 11 Ill. Adm. Code 204.
- Failure to have a horse in the assigned stall, or failure to provide constant surveillance of the stall at the designated deadline, shall be penalized by the horse being scratched and a civil penalty imposed upon the trainer of record. Subsequent offenses shall be penalized by the horse being scratched and the civil penalty shall be double the amount of the preceding penalty. The number of violations, for the purpose of determining civil penalty, shall start at the beginning of each meet. The civil penalty shall be waived only when very extreme weather conditions prevent the trainer from getting the horse to the racetrack at the designated deadline, but the horse shall be scratched.

## NOTICE OF ADOPTED AMENDMENT(S)

on the horse's stall two (2) hours prior to the post time of the race in which the horse has been entered to run. The format and contents of the sign shall include, but not be limited to, the dimensions of 8 1/2" by 11" and the words "Security Stall" which are easily read and understood by those in the barn area. The format and contents of the sign shall be approved by the Board. The signs, necessary hardware to affix the signs and maintenance to ensure that the hardware is suitable for use every day on all stalls shall be provided by the track operator.

- c) The trainer of record shall designate a stall guard to attend and provide constant surveillance until the horse is brought to the paddock or receiving barn.

- d) A security force composed of Illinois Racing Board personnel and racetrack security guards shall monitor compliance with this Part. The racetrack security guards shall be equipped with radios. The number of guards utilized at each track will be approved by the Board. The criteria for determining the number of guards at each racetrack shall include, but not be limited to, the number of horses entered to race that day, the distribution of the barns at the racetrack, and the total number of barns at the racetrack. The security guards may, in their discretion, require the stall guard or any other individual, in and around the secure area, to present his/her Illinois Racing Board credentials (11 Ill. Adm. Code 1302.90 and 1408.60), and may check equine identification numbers. The race track may require transferable identification tags to be displayed by those persons acting as stall guards. The race track security guards will be under the supervision of the Illinois Racing Board or its designees.

(Source: Added at 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.10 Security Barn Location (Repealed)

Each organization licensee shall provide an area at the race track premises consisting of a barn, stall, paddock or other location designated by the Illinois Racing Board as the security barn location. The security barn location shall have a sufficient number of stalls to accommodate each horse entered to race in a program and meet all other requirements of this Part.

(Source: Repealed at 16 Ill. Reg. 4520, effective March 10, 1992)

## Section 436.20 Sanitation, Hygiene and Health

Each organization licensee shall maintain and keep sanitary the security barn location and ensure that the location is heated and ventilated, so as to allow for sufficient care and preparation of the horses and security barn area, and that all stalls are suitable and ready for use at the appropriate time.



NOTICE OF ADOPTED AMENDMENT(S)

Section 436.80 Identification Badges (Repealed)

The Director of Security or his designee shall provide each occupational licensee with an identification badge. The identification badge shall be visible on the outer garment of the licensee at all times while he is present in the security barn. The Director of Security or his designee may also require each occupational licensee to display and/or wear his current Illinois occupational license in a similar manner as the identification badge.

(Source: Repealed, 16 Ill. Reg. 4520, effective March 10, 1992)

Section 436.90 Reporting to Security Barn Stall Assignments (Repealed)

After the trainer has received a stall assignment, the trainer may bring the horse to the assigned stall in the security barn any time after the barn opens depending on stall availability. In any event, no horse shall be brought to an assigned stall later than the time specified by the Board and posted on the security barn premises. The horse shall be identified with a color-coded identification tag or backpad specifying the race and program number. Any trainer who fails to have his horse in its assigned stall at the required time shall be reported to the stewards and shall be assessed a civil penalty and/or have his/her license suspended and/or have his/her horse scratched. In determining the penalty consideration shall be given to all facts and circumstances, including such factors as the reason for the failure to report to the security barn and the number of previous failures by a trainer to report a horse to the security barn.

(Source: Repealed, 16 Ill. Reg. 4520, effective March 10, 1992)

Section 436.100 Prohibited Conduct Equipment and Substances

- No person shall smoke or have in his possession alcohol, nebulizers, lasers, radios, vacuum cleaners, or any other loud equipment, batteries, needles, syringes, or injectables. No laser machines, needles, syringes or injectables shall be permitted in the security area. The use of any other machine or equipment shall be approved by the state veterinarian.
- No person shall empty ice buckets in the stalls or areas. The use of nebulizers shall be permitted in the security area. Water shall be the only solution allowed for use in a nebulizer unless other solutions have been approved by the state veterinarian.
- The use of breathing compounds, for oral and nasal dosing, such as, but not limited to, Tralleze, Vapal, Vicks Vapor-Rub, Wind-Aid and Exhail Ease, or others containing but not limited to methyl salicylate, camphor and potassium iodide, shall not be permitted in the security area. A trainer must obtain the state veterinarian's approval for use of any other breathing compound. The use of DMSO

NOTICE OF ADOPTED AMENDMENT(S)

- A civil penalty shall be imposed upon any trainer who fails to have the sign posted on the assigned stall at the designated deadline. The civil penalty shall not be imposed if the track operator has not provided the sign, hardware to affix the sign or the maintenance of the hardware that will allow the trainer to affix the sign to the stall. The civil penalty shall be double the amount of the preceding penalty for each subsequent offense.

- A civil penalty shall be imposed upon the racetrack operator for failing to provide signs, hardware to affix signs to stalls or the maintenance of the hardware for use on security stalls.

(Source: Amended, 16 Ill. Reg. 4520, effective March 10, 1992)

SUBPART B: CONDUCT IN SECURITY BARN LOCATIONS AREA

Section 436.70 Reporting for Stall Assignments

- Every trainer that reports to the security barn with a horse scheduled to start shall be assigned a stall in the security barn. Upon reporting to the security barn, upon reporting to the security barn, the trainer shall give the number of the race, the program number of the horse, and a listing of all persons authorized to have access to the horse to the State Veterinarian or his designee. The trainer, when entering a horse, shall declare to the Racing Secretary or his/her designee, the number of the barn in which the horse being entered will be stabled the day of the race. The trainer must declare horses to be shipped in at the time of entry.
- The State Veterinarian or his designee shall assign a stall to the trainer taking into consideration the following factors: the sex of the horse, the number of horses that a trainer has entered to race, the number of days horses, and the number of ship-ins. The Racing Secretary shall assign a barn, at the time of entry, to those horses being shipped in.

- As soon as the overnight sheet is finalized, the Racing Secretary or his/her designee shall provide to the Illinois Racing Board or its designees a list showing, by race, the name of the horse, post position, trainer's name and the identification number or letter of the barn where the horse is to be stabled the day of the race.

- The Racing Secretary or his/her designee shall notify the Illinois Racing Board or its designees of all ownership or trainer changes on horses, as soon as they come to his/her knowledge.

- As soon as the overnight sheet is finalized, the Racing Secretary or his/her designee shall provide the Illinois Racing Board or its designees a list, by race, showing the horse's name and its tattoo number.

(Source: Amended, 16 Ill. Reg. 4520, effective March 10, 1992)



NOTICE OF ADOPTED AMENDMENT(S)

(Dimethyl Sulfoxide), preparations containing the DMSO or any other substances containing ingredients with qualities to penetrate the skin, to be used for topical applications, shall not be permitted in the security area.

d) Violation of this Section shall result in the horse being scratched and a civil penalty imposed on the trainer of record. Subsequent violations shall be penalized by the horse being scratched and the civil penalty shall be double the amount of the preceding penalty.

(So ce: Amended at 16 Ill. Reg. 4520, effective March 10, 1992 )

Section 436.110 Trainer's Responsibility to Guard  
The duties imposed upon trainers in 11 Ill. Adm. Code 509.200 will continue to be in effect while a horse is in the security barn area.

(Source: Amended at 16 Ill. Reg. 4520, effective March 10, 1992 )

Section 436.120 Access to Security Barn (Repealed)

No person shall be permitted access to the security barn location without the authorization of the Board or its designee which shall be granted to any Board licensee authorized access to a horse pursuant to Section 436.70. However, not more than three (3) licensees authorized to have access to a horse pursuant to Section 436.70, including the owner, shall be allowed simultaneous access to the security barn location during its official hours of operation. Licensees authorized to enter a security barn shall be allowed access only to those stalls where the horse to which they have been authorized access has been assigned.

(Source: Amended 1990 at 16 Ill. Reg. 4520, effective March 10, 1992 )

Section 436.130 Bleeder List Horses

a) Procedures for placing a horse on the bleeder list are contained at 11 Ill. Adm. Code 509.90 (e) and must be complied with before a horse may be administered medication pursuant to this Section. All horses on the bleeder list shall be treated with furosemide (Lasix) as provided in 11 Ill. Adm. Code 509.90 (e).

b) All horses on the bleeder list shall be treated with Lasix no earlier than 4 hours prior to the post-time of the race in which the horse is entered. The licensed veterinarian shall inject the horse with no more than 250 mg. of Lasix. The State Veterinarian or his designee may witness the injection if the facts and circumstances indicate a potential for abuse. Following the administration of Lasix the trainer of record or his designee shall immediately return the

NOTICE OF ADOPTED AMENDMENT(S)

horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with Section 436.05(c). Violations of this rule shall be penalized in accordance with Section 436.60(b).

c) Lasix shall be administered in the security barn unless the State Veterinarian determines that the number of horses to be administered Lasix will make this impracticable and posts notice of the waiver of this requirement. A sign designating the stall as a "Security Stall" shall be posted on the horse's stall four (4) hours prior to the post time of the race in which the horse has been entered to race. Violations of this rule shall be penalized in accordance with Section 436.60(c).

d) The trainer of a Lasix horse may keep his horse stalled in the security barn until the paddock call or authorized warm-up trip if stall availability permits as determined by the State Veterinarian or his designee. If the trainer intends to keep his horse in the security barn after administration of Lasix, the trainer must so indicate in writing on the horse's entry slip.

e) The trainer may after Lasix administration return the horse to its own barn until such time as it is required to be brought to the security barn.

(Source: Amended at 16 Ill. Reg. 4520, effective March 10, 1992 )

Section 436.140 Leaving the Security Barn (Repealed)

a) Thoroughbred horses in each race will be called to the paddock approximately twenty-five (25) minutes prior to post-time. A security guard provided by the organizational licensee shall escort each group of horses to the paddock.

b) Harness horses shall report to the paddock at the time designated by the Board or its designee. A security guard provided by the organization licensee shall ensure that each horse is in the paddock at its designated time.

c) The Director of Security or his designee shall collect every licensee's identification badge upon leaving the security barn location.

d) Horse identification tags shall be collected in the paddock by the Director of Security or his designee.

e) Any licensee who seeks to re-enter the security barn shall be issued a new identification badge and shall be required to wear the badge in accordance with Section 436.00.

(Source: Repealed at 16 Ill. Reg. 4520, effective March 10, 1992 )

## ILLINOIS REGISTER

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Non-Financial Eligibility Criteria
- 2) Code Citation: 89 Ill. Adm. Code 685
- 3) Section Numbers: Adopted Action:  
685.500 Amendment  
685.550 New Section
- 4) Statutory Authority: Implementing and authorized by  
Section 3(g) of "The Disabled Persons Rehabilitation Act"  
(Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): March 10, 1992
- 6) Does this rulemaking contain an automatic repeal date?  
— Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations  
by reference? No
- 8) Date Filed in Agency's Principal Office: March 10, 1992
- 9) Notice of Proposal Published in Illinois Register:  
October 11, 1991, 15 Ill. Reg. 14392  
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these)  
Rule(s)? no If answer is "yes," please complete the  
following:
  - A) Statement of Objection: \_\_\_\_\_, Ill.  
Reg. \_\_\_\_\_  
(issue date)
  - B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)
  - C) Date Agency Response Submitted for Approval to JCAR:

11) Differences(s) between proposal and final version: In  
685.550, "Home Individualized Program" was changed to  
"Home/Individual Program" and "Special Home Placement (SHP)"  
was added to the listing of services provided through DMH-DD.

Also, a paragraph of further clarification was added to  
685.550 regarding when an individual may receive HSP  
services. The title of the Section was changed to reflect

## ILLINOIS REGISTER

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- this addition. Other minor style changes were made  
throughout the rules.
- 12) Have all the changes agreed upon by the agency and JCAR  
been made as indicated in the agreement letter issued by  
JCAR? Yes
  - 13) Will this rule replace an Emergency Rule(s) currently in  
effect? Yes
  - 14) Are there any amendments pending on this Part: No
- | Section Numbers   | Proposed Action | Illinois Register<br>Citation |
|---|-----------------|-------------------------------|
| 15) Summary and Purpose of Rule(s):   |                 |                               |
| 16) Information and answers to questions regarding this adopted<br>rule shall be directed to: |                 |                               |

Ms. Susan Warner, Acting Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
T.D.D.: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

TITLE 89: SOCIAL SERVICES

PART 685

NON-FINANCIAL ELIGIBILITY CRITERIA

need for sheltered, intermediate, or skilled nursing home care, or its equivalent provided in the home.

To determine the need for long-term care, the Determination of Need Scale (DON) is utilized to measure a client's service needs (Part A) and the resources available to meet those needs (Part B), based on pertinent medical, social and psychological factors, and on the extent to which service needs are already met, and/or will begin/continue to be met, either wholly or in part, by family, friends, and others, or through the client's available financial resources. The DON consists of two parts:

- 1) The first section of the DON is the mini-mental state section (University of Illinois, School of Public Health, P.O. Box 6998, Chicago, IL 60680, no later editions or amendments included) which measures cognitive functioning of the applicant/client.
- A) The applicant/client who receives a score of 14 or more points is considered to be cognitively aware. Therefore 0 points will be added to the Part A, Level of Impairment, score on the DON.
- B) The applicant/client who receives a score of 13 or less points is considered to be cognitively impaired. Therefore 10 points will be added to the Part A, Level of Impairment, score on the DON.
- 2) The second section of the DON measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):
- A) Activities of Daily Living:
- i) Eating
  - ii) Bathing
  - iii) Grooming
  - iv) Dressing
  - v) Transferring
  - vi) Incontinence Care

Section

685.10 Application of Non-Financial Requirements

685.100 Citizenship

685.200 Residence

685.300 Age

685.400 Disability

685.500 Need for Long-Term Care

685.550 Effect on HSP Services of Services Provided by Other Agencies

685.600 Service Cost Maximum

APPENDIX A Institutional Cost Tables

AUTHORITY: Implementing and authorized by Section 3(g) of "The Disabled Persons Rehabilitation Act" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8898, effective July 18, 1983; amended at 8 Ill. Reg. 15967, effective August 31, 1984; amended at 9 Ill. Reg. 9167, effective June 4, 1985; amended at 13 Ill. Reg. 5158, effective March 31, 1989; amended at 13 Ill. Reg. 18929, effective November 16, 1989; amended at 15 Ill. Reg. 6602, effective April 18, 1991; emergency amendments at 15 Ill. Reg. 14704, October 1, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15753 effective October 21, 1991; amended at 16 Ill. Reg. 4529, effective March 10, 1992.

Section 685.500 Need for Long-Term Care

a) To be eligible for HSP, clients must not only meet the eligibility criteria for disability (See subsection 685.400), but they must also have resulting functional limitations which have caused a need for long-term care, such that they are already placed in an institution, or are, as measured by the Determination of Need Scale (See subsection 685.500 (b)), at imminent risk of institutionalization. By definition, the long-term care needs of clients must be able to be met through services provided in their homes. For purposes of this rule, long term care refers to the



## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## B) Instrumental Activities of Daily Living:

- i) Preparing Meals
- ii) Being Alone
- iii) Telephoning
- iv) Managing Money
- v) Routine Health (e.g., following physician's directions)
- vi) Special Health (e.g., cooperating with skilled care professionals)
- vii) Outside Home (e.g., mobility)
- viii) Laundry
- ix) Housework

## c) Each of the six ADLs and nine IADLs listed above is scored in two parts: Part A - Level of Impairment and Part B - Unmet Need of Care.

- 1) Part A, Level of Impairment, of the DON measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of 0 through 3 indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.

## A) Zero (0) means the applicant/client performs or can perform all essential components of the activity, with or without an existing assistive device, such that:

- i) no significant impairment of function remains; or
- ii) activity is not required by the applicant/client (routine and special health only); or
- iii) applicant/client may benefit from, but does not require, supervision or physical assistance.

## B) One (1) means the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that an applicant/client requires some supervision or physical

assistance in some or all components of the activity. This includes the applicant/client who:

- i) experiences minor, intermittent fatigue to perform the activity; or
- ii) takes longer than an unimpaired person in performing the activity; or
- iii) must perform the activity more frequently than an unimpaired person.

## C) Two (2) means the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:

- i) experiences frequent fatigue in performing the activity; or
- ii) takes an excessive amount of time to perform the activity; or
- iii) must perform the activity much more frequently than an unimpaired person.

## D) Three (3) means the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

## 2) Part B, Unmet Need for Care, of the DON measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-HSP resources in the community (e.g., family, friends, local services.)

## A) Zero (0) means:

- i) the applicant/client's need for assistance is met to the extent that the

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

applicant/client is at no risk to health or safety if additional assistance is not acquired; or

ii) the applicant/client has no need for assistance; or

iii) additional assistance will not benefit the applicant/client.

B) One (1) means the applicant's/client's need for assistance is met most of the time (i.e. more than 50% of the time) but there is a minimal risk to the health and safety of the client if additional assistance is not acquired.

C) Two (2) means the applicant's/client's need for assistance is not met most of the time and there is a moderate risk to the health and safety of the client if additional assistance is not acquired.

D) Three (3) means the applicant's/client's need for assistance is rarely, or never (i.e. less than 10% of the time) met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention if additional assistance is not acquired.

d) The DON measures these applicant/client function needs and resources in the areas of the applicant's/client's abilities to:

1) use the telephone

A) Part A scoring will reflect the applicant's/client's ability to use the telephone to communicate essential needs.

B) Part B scoring will reflect the availability of assistance, if needed, to help the applicant/client reach and use the telephone or to use the telephone on behalf of the applicant/client.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

2) transfer

A) Part A scoring will reflect the applicant's/client's ability to get into or out of bed or other usual sleeping place as well as ability to transfer (from/to) between bed and wheelchair or walker.

B) Part B scoring will reflect the availability of assistance, if needed, to aid and/or motivate the applicant/client in getting into and out of bed as well as transferring.

3) travel outside the home/manage money (and pay bills)

A) Part A scoring will reflect the applicant's/client's ability to leave and return home and complete daily living tasks which are normally transacted outside of the home.

B) Part B scoring will reflect the availability of assistance, if needed, to assist the applicant/client in completing these tasks.

4) prepare nutritionally balanced meals/feed himself/herself

A) Part A scoring will reflect the applicant's/client's ability to plan, prepare, and feed himself/herself a nutritionally balanced meal.

B) Part B scoring will reflect the availability of assistance, if necessary, to aid the applicant/client in the planning, preparing, and feeding of a nutritious meal.

5) do housework/laundry

A) Part A scoring will reflect the applicant's/client's ability to adequately do household and laundry tasks necessary for maintaining minimum hygienic conditions.

B) Part B scoring will reflect the availability of assistance and facilities, if needed, to

## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

aid the applicant/client in satisfactorily completing all tasks associated with housework and laundry.

availability of specially trained resources as necessary.

6) shower or bathe/groom/ dress (and undress) himself/herself

9) be left alone

A) Part A scoring will reflect the applicant's/client's ability to adequately perform tasks necessary for minimum personal hygiene standards and to appropriately dress himself/herself.

A) Part A scoring will reflect the applicant's/client's ability to be left alone and to recognize, avoid, and respond to danger and/or emergencies.

B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in satisfactorily attending to personal hygiene and dressing tasks.

B) Part B scoring will reflect the availability of assistance, if needed, to aid or supervise the applicant/client to avoid danger and/or respond to emergencies.

7) control bowel and bladder function

A) Part A scoring will reflect the applicant's/client's ability to respond to bowel and bladder needs, including the ability to use associated devices if necessary and to reach the bathroom or other appropriate facility in a timely manner.

-----1)---For-the-level-of-service-required-by-citizens-who would-be-placed-in-a-sheltered-care-level-nursing home:

B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in adequately responding to these biological needs.

-----A)---A-score-of-at-least-14-on-Part-A-and-at-least 21-on-both-Part-A-and-B;-or

-----B)---A-score-of-at-least-18-on-Part-A;-

-----2)---For-intermediate-and-skilled-nursing-level-of service;-a-score-of-at-least-15-on-Part-A-and-a score-of-at-least-29-on-Part-A-and-B-together.

8) follow routine/specialized health instructions

A) Part A scoring will reflect the applicant's/client's ability to perform and/or participate in the performance of medical instructions prescribed by a medical professional in order to maintain the applicant's/client's health.

f) Individuals-who-received-eligibility-scores-as-set out-in-subsection-(e){i}-prior-to-the-effective-date-of this-Section;-but-upon-reassessment-do-not-receive eligibility-scores-set-out-in-subsection-(e){i}-above; and-who-have-been-continuously-served-since determination-of-initial-eligibility;-shall-have their-Service-Cost-Maximum-{SCM}-remain-fixed-at-the lowest-level-in-Section-605-608(a){i}:-These-citizens shall-have-their-SCM-frozen-until-they-achieve-an eligible-score-and-SCM-in-accordance-with-this Section.

B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in following through with routine medical instructions, or in the case of specialized medical instructions, the

A client who does not meet the eligibility criteria in subsection (e) above, but was receiving services on the effective date of this Section, may continue to receive services up to the amount of the lowest Service Cost



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Emergency Action:

114.128 Amendment

114.135 New Section

4) Statutory Authority: Sections 6-11(b)(5) of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par. 6-11(b)(5)), as added by P.A. 87-14

5) Effective Date of Emergency Amendments: March 10, 1992

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed in Agency's Principal Office: March 10, 1992

8) Reason for Emergency: This rulemaking makes needed changes in Rules to determine the penalties State Transitional Assistance recipients shall be subject to for failure to cooperate in employment, training or education programs. Section 2-25 of P.A. 87-14 allows the Department to implement such changes by Emergency Rulemaking.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking does three things. First, it eliminates the "cure", the ability of a Transitional Assistance client to end a sanction for failure to cooperate in an employment or training program simply by signing a written intent to cooperate. The Department no longer believes that a sanction for failure to cooperate in employment and training programs should be waived without a showing of good cause.

Second, this rulemaking clarifies that if subject to a sanction, the client will be subject to the sanction during months the client is otherwise eligible for assistance. This clarification is especially necessary now that Transitional Assistance is a time limited program.

Third, this rulemaking creates a conciliation process. This process will be used when a client has not complied with a program requirement to determine the reason for the non-compliance and give the client an opportunity

## ILLINOIS REGISTER

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Maximum (SCM) in place on the effective date of this subsection. The client's SCM shall be frozen at this level until reassessment. At annual reassessment, the DON will be administered and the eligibility criteria in subsection (e) above must be met in order to remain eligible for the program. Those clients who do not meet the eligibility criteria in subsection (e) above will be given a 30 calendar day notice of termination of services, notification of their right to appeal and notification of the services of the CAP. In no case shall a reassessment be completed later than October 1, 1992.

g) As part of the determination of need for long-term care, the client's physician must certify the client's need for long-term care and the safety of serving the client at home.

(Source: Amended at 16 Ill. Reg. 4529, effective March 10, 1992)

Section 685.550 Effect on HSP Services of Services Provided by Other Agencies

a) An individual may not receive services through HSP if he/she is receiving services through Department of Mental Health and Developmental Disabilities' Community Residential Alternatives (CRA), Community Integrated Living Arrangement (CILA), Home/Individual Program (HIP), or Special Home Placement (SHP) or through Department on Aging's Community Care Program. The individual may, if eligible, choose to receive HSP services, but must first terminate any of the services listed above.

b) An individual with a developmental disability or severe mental illness may not be placed in HSP, per OBRA regulations (P.L. 100-203) unless:

1) the Pre-Admission Screening and Annual Resident Review Agent determines the individual is not in need of active treatment/specialized services (42 CFR 483); or

2) the individual chooses to retire from active treatment/specialized services.

(Source: Added at 16 Ill. Reg. 4529, effective March 10, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

to comply before being sanctioned. This replaces the good cause meeting.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: David E. Peterson, Deputy General Counsel  
Office Of The General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: 217/782-1233

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 114.109	Project Advance Participation Requirements of Adjudicated Fathers
SUBPART D: PROJECT CHANCE	
Section 114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services
114.120	Employment and Training for Transitional Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Project Chance
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
EMERGENCY 114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.135	Cancellation and Fair Hearings
EMERGENCY 114.140	Employment Child Care (Repealed)
SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY	
Section 114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses
114.240	Income From Work/Study/Training Program (Repealed)
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets (Repealed)
114.270	Property Transfers
114.280	Supplemental Payments
SUBPART F: PAYMENT AMOUNTS	
Section 114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties
SUBPART G: OTHER PROVISIONS	
Section 114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART H: CHILD CARE

Section	
114.430	Twelve Month Extension of Medical Assistance Due to Increased Income From Employment
	Child Care
114.450	Child Care Eligibility
114.452	Qualified Provider
114.454	Notification of Available Services
114.456	Participant Rights and Responsibilities
114.458	Additional Service to Secure or Maintain Child Care Arrangements
114.462	
114.464	Rates of Payment for Child Care
114.466	Method of Providing Child Care

## SUBPART I: TRANSITIONAL CHILD CARE

Section	
114.500	Transitional Child Care Eligibility
114.504	Duration of Eligibility for Transitional Child Care
114.506	Loss of Eligibility for Transitional Child Care
114.508	Qualified Provider
114.510	Notification of Available Services
114.512	Participant Rights and Responsibilities
114.514	Child Care Overpayments and Recoveries
114.516	Fees for Service for Transitional Child Care
114.518	Rates of Payment for Transitional Child Care

**AUTHORITY:** Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 6-1 et seq. and 12-13)

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195;

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 84; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART D: PROJECT CHANCE

Section 114.128 Employment and Training Sanctions  
EMERGENCY

- a) Clients who fail to cooperate with Project Chance shall be subject to sanctions.
  - 1) Persons who fail to cooperate with the requirements of employment, and training, after having received a Project Chance assessment shall be ineligible for General Assistance for three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation.
  - 2) ~~The client who has been sanctioned shall have an opportunity to cure his/her non-cooperation at-~~



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 114.128 Employment and Training Sanctions (Cont'd)  
EMERGENCY

~~any-time-and-be-reinstated-on-General-Assistance-~~  
~~by-signing-a-written-intent-to-cooperate.~~  
~~Reinstatement-shall-be-effective-the-date-the-~~  
~~client-signs-the-written-intent-to-cooperate.--A-~~  
~~client-may-continue-non-cooperation-in-this-way-entire-~~  
~~each-twelve-(12)-month-period.--When-a-verse-~~  
~~is-made-in-this-manner-non-cooperation-will-be-~~  
~~treated-as-if-it-did-not-happen-for-purposes-of-~~  
~~whether-a-new-instance-of-non-cooperation-will~~  
~~result-in-a-three-(3)-or-a-six-(6)-month-sanction.~~  
~~The sanction shall be applied to months for which~~  
~~the client otherwise is eligible to receive~~  
~~assistance. If the client's eligibility period~~  
~~expires before the full sanction is applied~~  
~~pursuant to Section 114.1(b), or the client~~  
~~otherwise becomes ineligible for assistance, the~~  
~~remaining months of the sanction will be applied~~  
~~beginning with the first month the client applies~~  
~~for and is determined otherwise eligible to~~  
~~receive assistance, unless the client has not~~  
~~received assistance for at least 12 months from~~  
~~the end of the last eligibility period, in which~~  
~~case the remaining months of the sanction shall~~  
~~be considered applied.~~

- b) Sanctions shall be imposed against those mandatory registrants who have received a full assessment and who refuse or fail to participate without good cause in Project Chance (see Section 114.129 for good cause).
- 1) Sanctioning will result from one (1) instance of any of the following:
- A) refusal/failure to respond to a job referral;
  - B) refusal/failure to accept a bona fide offer of suitable employment (see Section 114.124);
  - C) discontinuing suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 114.129);
  - D) reducing suitable employment (i.e., hours of employment) without good cause (see Section 114.129); or

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 114.128 Employment and Training Sanctions (Cont'd)  
EMERGENCY

- E) use of a supportive service payment (see Section 114.130) for something other than the supportive service for which it was provided.
- 2) A sanction will be imposed when a mandatory registrant fails to comply, without good cause, with the following Project Chance requirements on one (1) occasion, unless otherwise indicated:
- A) A mandatory registrant fails, without good cause, or refuses to respond to a written notice for an appointment. If the mandatory registrant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant will be considered present. If the mandatory registrant has good cause (see Section 114.129) for being more than thirty (30) minutes late, the tardiness will be excused. The Project Chance worker will include the mandatory registrant in a scheduled group or other meeting or re-schedule the mandatory registrant for another meeting;
  - B) A mandatory registrant refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employment plan;
  - C) Registrants who fail to cooperate in Job Search one (1) time without good cause after assessment, shall be sanctioned. Each missed session is considered an instance of non-cooperation. Failure of a mandatory registrant to make the required twenty (20) employer contacts in a thirty (30) day period, shall result in a sanction (see Sections 114.124(c), and 114.129);



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 114.128 Employment and Training Sanctions (Cont'd)  
EMERGENCY

- D) A registrant in the Work Experience component must report to the work assignment every day scheduled. Failure to attend the work assignment one (1) day in a thirty (30) day period, or failure to report to the job assignment initially shall result in a sanction. Each missed assignment is considered an instance of non-cooperation during a thirty (30) day period. Failure of a registrant to make the eight (8) required job contacts in a thirty (30) day period without good cause, shall result in a sanction (see Sections 114.124(c) and 114.129);

- E) After a mandatory registrant agrees to participate in a Pre-Employment activity, he/she must maintain a satisfactory level of attendance as established by the educational facility. However, failure to attend training or education classes three (3) times in a thirty (30) day period without good cause, shall result in a sanction (see Section 114.129);

- F) The mandatory registrant must attend all Job Club meetings scheduled. Failure to attend one (1) job search session without good cause shall result in a sanction. Failure of a mandatory registrant to make the twenty (20) required employer contacts in a thirty (30) day period, or failure to make employer contacts as required by the Job Club, shall result in a sanction (see Sections 114.124(c) and 114.129).

- G) Failure of a mandatory participant to attend training as specified for the Special Projects, shall result in a sanction.

- 3) A Project Chance sanction shall be imposed only on mandatory registrants who have received a full assessment (see Section 114.126 for assessment criteria).

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 114.128 Employment and Training Sanctions (Cont'd)  
EMERGENCY

- 4) No Project-Chance-sanction-will-be-imposed-until-Project-Chance-staff-has-sent-the-mandatory-registrant-a-written-notice-scheduling-a-meeting-to-determine-whether-or-not-the-mandatory-registrant-had-good-cause-for-his/her-failure-to-comply-with-Project-Chance-requirements-or-is-unable-to-employ-and-the-registrant-has-either-failed-to-attend-the-meeting-without-good-cause-or-failed-to-show-good-cause--The-written-notice-shall-explain-the-purpose-of-the-appointment-and-the-consequences-for-failure-to-attend-or-failure-to-show-good-cause-and-shall-include-a-definition-of-good-cause--Failure-of-the-mandatory-registrant-to-appear-for-the-scheduled-meeting-is-not-considered-an-instance-of-non-cooperation

- 5) 4) A Project Chance sanction will be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the mandatory registrant establishes good cause (see Section 114.129 for good cause criteria).

- 6) 5) The notice of change form issued for a Project Chance sanction shall include the following:

- A) a description of the acts of noncooperation with Project Chance, including dates where applicable; and

- B) a statement that the mandatory registrant's acts were without good cause (see 114.129 for good cause criteria) and if the client provided a good cause reason why the reason was rejected; and.

- 6) in-addition-the-following-language-will-be-required--You-will-be-sanctioned-until-the-first-day-of-sanction-period--in-order-for-General-Assistance-to-be-restored-at-the-end-of-the-sanction-period-with-no-further-gap-in-assistance-you-must-file-an-application-

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 114.128 Employment and Training Sanctions (Cont'd)  
EMERGENCY

~~for General Assistance between {x-date}-and-  
{y-date}-if you apply later than {y-date}-  
there may be a further gap in assistance.~~

(Source: Emergency amendment at 16 Ill. Reg. 4540,  
effective March 10, 1992, for a maximum of 150 days)

Section 114.135 Conciliation and Fair Hearings  
EMERGENCY

- a) The Department shall establish a conciliation procedure to be used upon determining that a participant has refused or failed to comply with a Project Chance requirement after assessment. The conciliation process will be used to determine the reason(s) the participant did not comply with the Project Chance program requirement and provide the participant with an opportunity to comply prior to the imposition of sanction.
- b) The conciliation period shall begin the day following the date of Project Chance's discovery of the participant's refusal or failure to comply with program requirements and shall continue for a period not to exceed thirty (30) calendar days. Within this conciliation period the participant shall receive notice in writing of a meeting to ascertain the reason(s) for the refusal or failure and to determine whether good cause exists. If it is determined that good cause does not exist Project Chance shall inform the participant of the pertinent Project Chance requirements and the consequences of failing to comply. The participant shall be informed of the actions necessary for compliance and the date by which compliance must be achieved to avoid the initiation of sanction procedures. The compliance date may not exceed the end of the conciliation period. To avoid sanction the participant must perform a verifiable act of compliance within the thirty (30) day conciliation period. Verbal commitment by the participant is not sufficient, unless the participant is prevented from complying by circumstances beyond the participant's control, such as unavailability of a suitable component. If it is apparent that the individual will not comply, for example, the individual refuses to

DEPARTMENT OF PUBLIC AID  
NOTICE OF EMERGENCY AMENDMENTS

Section 114.135 Conciliation and Fair Hearings (Cont'd)  
EMERGENCY

- comply and does not have good cause, Project Chance may end the conciliation period early and proceed with sanction procedures. The participant's refusal to comply shall be documented in the case record.
- c) If the participant does not comply during the conciliation period Project Chance shall initiate sanction action no later than the last day of the conciliation period. Sanction action may be cancelled if Project Chance is able to verify that compliance was achieved by the end of the conciliation period.

- d) Participants will be provided written notice of sanction, including the particular act of refusal or failure to comply, the proposed period of sanction and shall specify when the participant may reapply. Information shall also be included on or with the notice of adverse action that describing the action which can be taken to end or avoid the sanction and procedures. The participant has the right to request an appeal hearing through the Department's fair hearing process. A participant shall be allowed to examine the Project Chance case record at a reasonable time before the date of the appeal hearing, except for confidential information that Project Chance determines should be protected from release. Confidential information not released to a participant may not be used by either party at the hearing.

(Source: Emergency rule added at 16 Ill. Reg. 4540,  
effective March 10, 1992, for a maximum of 150 days)

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF PUBLIC HEALTH

Heading of Part: Control of Sexually Transmissible Diseases Code

Code Citation: 77 Ill. Adm. Code 693

Section Numbers:  
693.10  
693.30  
693.40

Date Originally Published in Illinois Register: 11/22/91  
15 Ill. Reg. 16874

At its meeting on March 3, 1992, the Committee voted to recommend that after the Department receives the report of the Governor's Task Force on AIDS in Health Care in April 1992, that the Department of Public Health initiate a rulemaking in connection with the Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) to include definitions of exposure-prone invasive procedures, the manner of reporting the information on individuals with HIV infection, and the composition of the expert review panel, its authority and its duties.

The Department should respond within 90 days after the receipt of this Statement of Recommendation.

88816874

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF WITHDRAWAL OF PROPOSED RULES

HEADING OF THE PART: Urban Forestry Grant Program

CODE CITATION: 17 Ill. Adm. Code 1538

PROPOSED ACTION:

1538.5 New Section  
1538.10 New Section  
1538.20 New Section  
1538.30 New Section  
1538.40 New Section  
1538.50 New Section  
1538.60 New Section  
1538.70 New Section  
1538.80 New Section

DATE NOTICE OF PROPOSED RULES PUBLISHED IN THE ILLINOIS REGISTER:

January 17, 1992, 16 Ill. Reg. 775

REASON FOR WITHDRAWAL: Following publication of this rule in the Illinois Register, changes were suggested by the public which Department personnel approved. Because these changes were substantial, it was determined that the proposed rule should be withdrawn, the suggested changes incorporated into the rule and the rule be re-filed.



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION  
BY FIRSTAR CORPORATION AND FIRSTAR  
CORPORATION OF ILLINOIS, MILWAUKEE,  
WISCONSIN, TO ACQUIRE FIRST GENEVA  
BANQUESHARES, INC., GENEVA, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Firststar Corporation and Firststar Corporation of Illinois, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, to acquire First Geneva Banqueshares, Inc., 21 North 3rd Street, Geneva, Illinois 60134.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh  
Neal J. O'Brien  
Commissioner of Banks and Trust Companies  
Room 100 Reisch Building  
117 South Fifth Street  
Springfield, Illinois 62701.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 4, 1992 through March 10, 1992, and have been scheduled for review by the Committee at its April 7, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its April meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/17/92	Department of Mental Health and Developmental Disabilities, Treatment and Rehabilitation Services (59 Ill. Adm. Code 112)	11/8/91 15 Ill. Reg. 15864	4/7/92
4/20/92	Pollution Control Board, Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)	11/15/91 15 Ill. Reg. 16564	4/7/92
4/20/92	Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)	11/8/91 15 Ill. Reg. 15875	4/7/92
4/20/92	State Board of Elections, Practice and Procedure (26 Ill. Adm. Code 125)	4/26/91 15 Ill. Reg. 5943	4/7/92
4/20/92	Department of Corrections, Commissaries (20 Ill. Adm. Code 210)	12/2/91 15 Ill. Reg. 17010	4/7/92
4/20/92	Department of Revenue, Home Rule Municipal Use Tax Imposed by Municipalities Having 2,000,000 or More Inhabitants (86 Ill. Adm. Code 295)	12/27/91 15 Ill. Reg. 18506	4/7/92
4/20/92	State Board of Elections, The Campaign Financing Act (26 Ill. Adm. Code 100)	4/26/91 15 Ill. Reg. 5939	4/7/92
4/22/92	Illinois Racing Board, Racing Rules (11 Ill. Adm. Code 1318)	10/25/91 15 Ill. Reg. 15388	4/7/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/22/92	Department of Rehabilitation Services, Appeals and Hearings (89 Ill. Adm. Code 510)	1/3/92 16 Ill. Reg. 69	4/7/92
4/22/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.539)	1/10/92 16 Ill. Reg. 472	4/7/92
4/22/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140.560)	4/19/91 15 Ill. Reg. 5585	4/7/92
4/23/92	Illinois Racing Board, Regulations for Meetings (11 Ill. Adm. Code 1424)	1/17/92 16 Ill. Reg. 1266	4/7/92
4/23/92	Illinois Racing Board, Programs (11 Ill. Adm. Code 415)	1/17/92 16 Ill. Reg. 1263	4/7/92

## PROCLAMATION

92-085

## MRS. ELLIS GIBSON HATCHETT DAY

Whereas, Mrs. Ellis Gibson Hatchett was born February 15, 1894; and

Whereas, through the years, she has dispensed wisdom, love, warmth, and understanding as a wife of 64 years, a mother of 7 children, and a grandmother, great-grandmother, and great-great-grandmother; and

Whereas, this year Mrs. Hatchett is celebrating her 98th birthday;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 15, 1992, as MRS. ELLIS GIBSON HATCHETT DAY in Illinois and extend to her best wishes for health and happiness.

Issued by the Governor February 15, 1992.

Filed with the Secretary of State March 6, 1992.

92-086

## AFS HOST FAMILY RECOGNITION WEEK

Whereas, the American Field Service (AFS) was initiated in 1914 to operate a civilian mobile medical unit during World War I. AFS has evolved into an international organization that sponsors high school student exchange programs in more than 40 countries; and

Whereas, more than 160,000 students and host families and 100,000 volunteers from around the world have taken part in exchange programs; and

Whereas, AFS programs encourage the sharing of ideas, attitudes, culture, and language and help to enrich the lives of those involved; and

Whereas, for more than 42 years, Illinois families have been serving as hosts for exchange student programs; and

Whereas, AFS has more than 500 volunteers in our state, demonstrating our citizens' commitment to volunteerism and community involvement;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1-7, 1992, as AFS HOST FAMILY RECOGNITION WEEK in Illinois.

Issued by the Governor February 27, 1992.

Filed with the Secretary of State March 6, 1992.

92-087

## FEDERAL EMPLOYEE OF THE YEAR DAY

Whereas, in the honorable name of service, dedicated federal employees have made great contributions to Illinois citizens in areas such as Social Security, health care, education, crime

92-088  
prevention, energy conservation, and other essential resources; and

Whereas, each year, a special day is set aside to recognize the outstanding services dedicated federal employees provide; and Whereas, for the past 34 years, the Chicago Federal Employee of the Year Awards Program has honored outstanding employees for their loyalty and effort; and

Whereas, on May 8, awards will be given to the outstanding employees in each of 11 categories representing all types of jobs within the federal workforce;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1992, as FEDERAL EMPLOYEE OF THE YEAR DAY in Chicago in recognition of the vital services federal employees provide to our citizens and our state.

Issued by the Governor February 27, 1992.

Filed with the Secretary of State March 6, 1992.

## 92-088

## KARNEVALSGESELLSCHAFT RHEINISCHER VEREIN VON CHICAGO DAY

Whereas, the Karnevalsgesellschaft Rheinischer Verein Von Chicago--the Mardi Gras Society of Chicago, Incorporated--was founded in 1890 as a club that provided assistance to German immigrants; and

Whereas, the club now has 270 members and hundreds of friends and supporters. It continues to provide a helpful, reliable social center for Chicago's German-American community; and

Whereas, Karnevalsgesellschaft Rheinischer Verein Von Chicago has contributed to the variety of culture our state offers; and

Whereas, the club has crowned its "Karneval" royalty for 1992--Joseph Rotter is prince and Irene Rotter is princess; and Whereas, on February 29, the club will host its 102nd Masquerade Ball at the Palmer House;

Therefore, I, Jim Edgar, proclaim February 29, 1992, as KARNEVALSGESELLSCHAFT RHEINISCHER VEREIN VON CHICAGO DAY in Illinois.

Issued by the Governor February 27, 1992.

Filed with the Secretary of State March 6, 1992.

## 92-089

## U.S. SAVINGS BOND CAMPAIGN MONTH

Whereas, the United States Savings Bonds Program has been making significant contributions to the well-being of Americans for more than 50 years by helping to build savings for the future; and

Whereas, the program has helped the economy of this state by giving our citizens an extra reserve of buying power; and

Whereas, the people of this state have shown through their purchases of savings bonds that they believe in the purposes of

the program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1992 as U.S. SAVINGS BOND CAMPAIGN MONTH in Illinois, and I urge all citizens to help themselves, their state, and their nation by purchasing United States Savings Bonds.

Issued by the Governor February 27, 1992.

Filed with the Secretary of State March 6, 1992.

## 92-090

## FREE PAPER WEEK

Whereas, free-circulation community papers provide comprehensive buying information to consumers in the communities they serve; and

Whereas, free-circulation community papers contribute to the growth and success of their local and state economy; and Whereas, Association of Free Community Papers members' papers blanket the country each week with a door to door circulation of more than 14 million;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 15-21, 1992, as FREE PAPER WEEK in Illinois.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

## 92-091

## IRISH-AMERICAN HERITAGE MONTH

Whereas, by 1776, nearly 300,000 natives of Ireland had immigrated to the United States; and

Whereas, the Irish and their descendants have helped enrich countless areas of life in the United States, including military and governmental service, science, education, art, agriculture, business, industry, and athletics; and

Whereas, last year, 220 community St. Patrick's Day parades honored the patron saint of Ireland; and

Whereas, President George Bush has signed legislation designating March as Irish-American Heritage Month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as IRISH-AMERICAN HERITAGE MONTH in Illinois and encourage citizens to recognize the observance by taking part in appropriate ceremonies and activities.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

## 92-092

## LIFELINE PILOTS MONTH

Whereas, Lifeline Pilots is an emergency volunteer



organization that was started 12 years ago by a handful of pilots who wanted to use their skills to help their fellow citizens; and Whereas, the organization has grown to include more than 300 pilots who donate their time, skills, and use of their planes to make vital medical treatment more easily accessible to those who need it; and

Whereas, an individual does not have to be a pilot to serve as a Lifeline Pilot volunteer--many volunteers help with the group's myriad administrative and organizational tasks; and Whereas, Lifeline Pilots provide assistance in instances where time, finances, or logistics are factors. Their services are free of charge; and Whereas, Lifeline Pilots have flown more than 500 missions and have transported organs, blood, blood products, tissue, medical teams, patients, and disaster relief supplies and personnel;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as LIFELINE PILOTS MONTH in Illinois and commend the organization's volunteers for the outstanding, selfless, and vital assistance they have provided to our citizens.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

92-093

#### MOUNT SINAI HOSPITAL DAY

Whereas, Mount Sinai Hospital was established in 1919 as a not-for-profit, community-based medical center committed to providing high-quality health care services to Chicago's low-income, west-side residents; and

Whereas, Mount Sinai Hospital's Infant Intensive Care Unit is one of only six state-designated Level III Perinatal Centers in Chicago; and

Whereas, annually, the Infant Intensive Care Unit provides care for about 500 critically ill and high-risk babies, including those who are cocaine-addicted and HIV-infected; and

Whereas, a group of African-American political, business, community, religious, and medical leaders are sponsoring Midwinter Gala '92 on March 20 to benefit Mount Sinai Hospital's Infant Intensive Care Unit; and

Whereas, the mission of Midwinter Gala '92 is to save babies, educate families, and honor leaders; and

Whereas, the intensive care unit will use funds from the benefit to buy a new transport incubator and monitor and to establish a parenting institute;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 20, 1992, as MOUNT SINAI HOSPITAL DAY in Illinois, in recognition of the vital services the medical center provides to our citizens.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

92-094

#### SCHAUMBURG SHOCKERS DAY

Whereas, the Schaumburg Shockers under 19 girls' soccer team won the Illinois Elite Woman's League championship. The team also won the Illinois Cup, thereby qualifying for the United States Cup; and

Whereas, the Schaumburg Shockers won the USA Cup, which involved the competition of 417 teams with 8,800 players from 50 states and 17 foreign countries; and

Whereas, the team has been invited to represent the United States in both the Hungary Kun Cup and the Hawaii Cup competitions; and

Whereas, the team is comprised of students from Schaumburg, Conant, Hoffman Estates, and Streamwood high schools;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 4, 1992, as SCHAUMBURG SHOCKERS DAY in Illinois in honor of the team's achievements and the recognition they have brought to their communities and our state.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

92-095

#### STUDENT-ATHLETE DAY

Whereas, the student-athlete represents a role model worthy of emulation by America's youth; and

Whereas, worthy values and behaviors such as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits; and

Whereas, participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of ethnic and racial groups different from one's own; and

Whereas, in spite of all the positive aspects of sport, overemphasis on sport at the expense of an education can cause serious harm to an athlete's future; and

Whereas, the common practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree; and

Whereas, coaches, parents, and educators of student-athletes must express high expectations for academic performances as well as for athletic performance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6, 1992, as STUDENT-ATHLETE DAY in Illinois to encourage the combination of athletic and academic achievement.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

92-096  
YEAR OF CLEAN WATER/CLEAN WATER MONTH

Whereas, water is one of the basic elements of life; and  
Whereas, an abundant supply of clean water is essential to the people of the Ohio River Valley for public health, economic development, fishery and wildlife management, water recreation, and aesthetic enjoyment; and

Whereas, significant progress has been made since the creation of the Ohio River Valley Water Sanitation Compact, the adoption of state legislation, and the passage of federal legislation, including the 1972 Clean Water Act; and

Whereas, despite these measures, water pollution continues to prevent the Ohio River and its tributaries from operating at their fullest extent; and

Whereas, further development of water pollution control programs and research, technology development and transfer, and environmental education are essential to achieving clean water in the Ohio Valley and nationwide;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1992 as THE YEAR OF CLEAN WATER and October 1992 as CLEAN WATER MONTH in Illinois, in recognition of the 20th anniversary of the Clean Water Act. I urge support for the continuing progress of water pollution control.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State March 6, 1992.

92-097

HELEN GARRETT DAY

Whereas, Helen Garrett, a native of Paducah, Kentucky, has played an active role in governmental and community affairs; and  
Whereas, Helen was a member of the Kentucky General Assembly and served as Senate Majority Whip; and

Whereas, as a legislator and as a citizen, Helen has given special attention to the safety and education of the people of Kentucky; and

Whereas, she has served as president of the Junior Women's Club of Paducah and member of the Spouse Abuse Center Board; and  
Whereas, Helen's dedication to community service has been honored by the Professional Women's Club and the Kentucky Development Committee; and

Whereas, she earned the Ducks Unlimited Conservation Service Award for her conservation efforts. In addition, in 1989, Helen was named a "Maritime Person of the Year" by the Ohio and Mississippi Valley Region of the Propeller Club of the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim February 29, 1992, as HELEN GARRETT DAY in Illinois, in recognition of the exemplary role she has set in her efforts to advance health care, educational excellence, conservation, and maritime cooperation. I commend Helen on her unselfish devotion to unite the citizens and governments of Illinois and Kentucky for the benefit of all people.

Issued by the Governor February 29, 1992.

Filed with the Secretary of State March 6, 1992.

92-098

CASIMIR PULASKI DAY

Whereas, Polish war hero Casimir Pulaski fought and died valiantly, helping colonial America win its battle for independence during the Revolutionary War; and

Whereas, born in Warka, Poland, on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism, and determination of Polish-Americans and Slavic-Americans who have worked and fought to help make our country great; and

Whereas, inasmuch as this individual was willing to make the supreme sacrifice through his death in battle while defending our nation, it is fitting that we in Illinois set aside the first Monday of each March to honor him, as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois after this great man;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim March 2, 1992, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor March 2, 1992.

Filed with the Secretary of State March 6, 1992.



JCAR - Joint Committee on Administrative Rules

ACTION CODES

- A - Adopted Rule  
AR - Adopted Repealer  
C - Notice of Corrections  
CC - Codification Changes  
E - Emergency Rule  
ER - Emergency Repealer  
M - Modification to meet JCAR objections  
O - JCAR Statement of Objections  
P - Proposed Rule  
PF - Prohibited Filing Ordered by JCAR  
PP - Peremptory or Court Ordered Rules  
PR - Proposed Repealer  
R - Refusal to meet JCAR objection  
RC - Statement of Recommendation  
S - Suspension ordered by JCAR  
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)  
TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE  
PAGE NUMBER

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-2719) (E-2897)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (E-17398/91; S-1744, W-2955; M-2943) (P-17007/91; PF-1744; M-2930) (E-2630) (E-2901) (E-4069) (P-4087)  
89 Ill. Adm. Code 230 Older Americans Act Programs (P-3605)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30 Animal Control Act (P-3618)  
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-3624)  
8 Ill. Adm. Code 85 Diseased Animals (P-3635)  
8 Ill. Adm. Code 55 Hatcheries, Poultry Flocks, & Produce Thereof (P-3646)  
8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-3653)  
8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-3661)  
8 Ill. Adm. Code 40 Livestock Auction Markets (P-3673)  
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-1899) (P-1921)  
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-3893)  
8 Ill. Adm. Code 235 Seed Arbitration (P-2969)  
8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3231)  
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-3680)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (P-2721)  
77 Ill. Adm. Code 2031 Award Criteria & Procedure (P-9149/91; AR-2455)  
77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)  
77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)  
77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2535)

ATTORNEY GENERAL

4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedures (P-2283)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedures (P-4125)

CAPITAL DEVELOPMENT BOARD

71 Ill. Adm. Code 110 Americans With Disabilities Act Grievance Procedure (P-3689)  
44 Ill. Adm. Code 950 Prequalification & Suspension of Contractors (P-3695)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

4 Ill. Adm. Code 450 Americans With Disabilities Act Grievance Procedures (P-2292)  
80 Ill. Adm. Code 303 Conditions of Employment (P-327)  
80 Ill. Adm. Code 304 General Provisions (P-334)  
80 Ill. Adm. Code 302 Merit & Fitness (P-336)  
80 Ill. Adm. Code 310 Pay Plan (P-342) (E-711) (P-12051/91; A-3450)  
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-3235)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-13229/91; A-3924)

89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (E-14734/91; M-2269)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 520 Enterprise Zone Program (P-9787/91; A-89)  
47 Ill. Adm. Code 140 III. Clean & Beautiful Program (PR-13241/91; AR-2120)  
14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-10249/91; A-3464)  
47 Ill. Adm. Code 100 Low Income Home Energy Assistance Program (P-14337/91; A-3940)  
47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-13993/91; A-3078)

56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-8081/91; A-1524)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1311 Commodity Group Definitions (P-4195/91; W-2942)  
92 Ill. Adm. Code 1309 Conversion of Contract to Common Authority (P-3238)  
83 Ill. Adm. Code 770 Operator Service Providers (P-3242)  
83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-11025/91; A-2535)  
83 Ill. Adm. Code 200 Rules of Practice (P-1936)  
83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-11899/91; A-2544)  
83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-11905/91; A-2550)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 3035 Boat Access Area Development Program (P-14783/91; A-1797)  
17 Ill. Adm. Code 2520 Consignment of Licenses (P-2297)  
17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Illinois (P-2302)  
17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-14157/91; A-570)  
17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-4132)  
17 Ill. Adm. Code 1530 Forest Products Transportation Act, The (P-2972)



# ILLINOIS REGISTER

1992 CUMULATIVE INDEX

VOL. 16, ISSUE #12

MARCH 20, 1992

## CONSERVATION, DEPARTMENT OF (CONT'D)

- 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-13594/91; A-103)
- 17 Ill. Adm. Code 3010 Ill. Snowmobile Grant Program (P-14794/91; A-1806)
- 17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)
- 17 Ill. Adm. Code 525 Nuisance Wildlife Control Permits (P-15647/91; A-1826)
- 17 Ill. Adm. Code 970 Pigeon Shooting Permits (PR-2727)
- 17 Ill. Adm. Code 2020 Snowmobile Trail Establishment Fund Grant Program (P-14820/91; A-1833)
- 17 Ill. Adm. Code 880 Taking of Reptiles & Amphibians, The (P-13603/91; A-109)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-14833/91; A-1843)
- 17 Ill. Adm. Code 1535 Timber Harvest Fees (P-2979)
- 17 Ill. Adm. Code 1538 Urban Forestry Grant Program (P-775; W-4555)
- 17 Ill. Adm. Code 1538 Urban & Community Forestry Grant Program (P-4148)

## CORRECTIONS, DEPARTMENT OF

- 4 Ill. Adm. Code 475 Americans With Disabilities Act Grievance Procedure (P-3707)
- 20 Ill. Adm. Code 504 Discipline & Grievances (P-3715)
- 20 Ill. Adm. Code 525 Rights & Privileges (E-3583)
- 20 Ill. Adm. Code 435 Volunteer Services (P-1941)

## CRIMINAL JUSTICE INFORMATION AUTHORITY

- 20 Ill. Adm. Code 1580 Americans With Disabilities Act Grievance Procedure (P-1948)

## EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 130 Determining Special Education Per Capita Tuition Charge (P-1439)
- 23 Ill. Adm. Code 235 Preschool Educational & Coordinated Model Preschool Educational Programs (P-439)
- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-1452)
- 23 Ill. Adm. Code 226 Special Education (P-3724)

## EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-13252/91; A-113) (P-14014/91; A-2122) (P-3734)
- 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-14343/91; A-2556)
- 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-13257/91; A-118)
- 56 Ill. Adm. Code 2732 Employment (P-785) (P-3248)
- 56 Ill. Adm. Code 2760 Notices, Records, Reports (P-14023/91; A-3993)
- 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-14032/91; A-2131)

## ENVIRONMENTAL PROTECTION AGENCY

- 68 Ill. Adm. Code 870 Landfill Operators Certification (P-12094/91; A-3096)
- 35 Ill. Adm. Code 365 Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-3745)

## FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 4 Ill. Adm. Code 650 Americans With Disabilities Act Grievance Procedure (P-3253)

## FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 215 Americans With Disabilities Act Grievance Procedure (P-1954)

## HIGHER EDUCATION, BOARD OF

- 23 Ill. Adm. Code 1015 Ill. Cooperative Work Study Program (P-14852/91; A-4496)

## HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 310 Multifamily Rental Housing Mortgage Loan Program (P-1961)

## HUMAN RIGHTS, DEPARTMENT OF

- 71 Ill. Adm. Code 2300 Housing Discrimination (P-2310)

CI - 3

# ILLINOIS REGISTER

1992 CUMULATIVE INDEX

VOL. 16, ISSUE #12

MARCH 20, 1992

## INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 904 Internal Security Standard & Fidelity Bonds (P-4159)
- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-14859/91; PF-1743; A-2766; W-2956; C-3590)
- 50 Ill. Adm. Code 3119 Pre-Licensing & Continuing Education (P-11055/91; A-126)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1 Ill. Adm. Code 245 Expedited Corrections (P-2314)

## LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 120 Americans with Disabilities Act Grievance Procedure (P-1997)
- 56 Ill. Adm. Code 1700 Balloon Dart Game Permit Act, The (P-1469)
- 56 Ill. Adm. Code 350 Health & Safety (P-1) (P-3260) (P-3780)

## LOCAL GOVERNMENTAL LAW ENFORCEMENT OFFICERS TRAINING BOARD

- 20 Ill. Adm. Code 1720 Ill. Police Training Act (E-727) (P-15251/91; A-4002)

## LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1705 Americans With Disabilities Act Grievance Procedure (P-1779)

## MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 101 Administration (P-14363/91; A-2137)
- 59 Ill. Adm. Code 103 Grants (E-2643)
- 59 Ill. Adm. Code 135 Individual Care Grants for Mentally Ill Children (E-2648)
- 59 Ill. Adm. Code 132 Medicaid Community Mental Health Services Program (P-7) (E-211)
- 59 Ill. Adm. Code 120 Medicaid Home & Community-Based Services for Developmentally Disabled Recipients (E-2652)
- 59 Ill. Adm. Code 130 Mental Health Clinic Program Standards & Provider Requirements (E-2656)
- 59 Ill. Adm. Code 119 Minimum Standards for Certification of Developmental Training Programs (E-2662)
- 59 Ill. Adm. Code 125 Recipient Discharge/Linkage/Aftercare (E-2672)
- 59 Ill. Adm. Code 115 Standards & Licensure Requirements for Community-Integrated Living Arrangements (E-2676)

## MINES AND MINERALS, DEPARTMENT OF

- 2 Ill. Adm. Code 1052 Americans With Disabilities Act Grievance Procedures (P-2322)
- 62 Ill. Adm. Code 200 Ill. Explosives Act, The (P-3267)
- 62 Ill. Adm. Code 240 Ill. Oil & Gas Act, The (P-14365/91; A-2576) (P-14679/91; A-2576) (P-3282)
- 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-3316)

## MOTOR VEHICLE THEFT PREVENTION COUNCIL

- 2 Ill. Adm. Code 1720 Public Information, Rulemaking, & Organization (A-4503)
- 20 Ill. Adm. Code 1810 Rules for the Award & Monitoring of Trust Funds (P-469) (E-732)
- 20 Ill. Adm. Code 1800 Trust Fund Collection Rules (P-10)

## NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-1474)
- 32 Ill. Adm. Code 210 Americans With Disabilities Act Grievance Procedure (P-2003)
- 32 Ill. Adm. Code 331 Fees For Radioactive Material Licenses (P-2984)
- 32 Ill. Adm. Code 400 Notices, Instructions, & Reports to Workers; Inspections (P-2739)
- 32 Ill. Adm. Code 340 Standards for Protection Against Radiation (P-2746)
- 32 Ill. Adm. Code 504 Status Signals for Nuclear Power Reactors (P-4163)

## POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-16)
- 35 Ill. Adm. Code 244 Episodes (P-22)
- 35 Ill. Adm. Code 615 Existing Activities in a Setback Zone or Regulated Recharge Area (P-10303/91; O-1779/91; R-1702; A-1538)

CI - 4

ILLINOIS REGISTER

1992 CUMULATIVE INDEX

MARCH 20, 1992

VOL. 16, ISSUE #12

POLLUTION CONTROL BOARD (CONT'D)

- 35 Ill. Adm. Code 1420 General Provisions (P-1701691; A-2594)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System; General (P-791)
- 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-820) (P-9288/91; A-2155) (P-15910/91; A-2600)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-875)
- 35 Ill. Adm. Code 601 Introduction (P-9829/91; O-17792/91; R-1713; A-1585)
- 35 Ill. Adm. Code 728 Land Disposal Restrictions (P-916)
- 35 Ill. Adm. Code 849 Management of Scrap Tires (P-13265/91; AR-2880)
- 35 Ill. Adm. Code 848 Management of Used & Waste Tires (P-13004/91; A-3114)
- 35 Ill. Adm. Code 616 New Activities in a Setback Zone or Regulated Recharge Area (P-9856/91; O-17793/91; R-1723; A-1592)
- 35 Ill. Adm. Code 215 Organic Material Emission Standards & Limitations (P-11059/91; A-3132) (P-4170)
- 35 Ill. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-4184)
- 35 Ill. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro-East Area (P-4200)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-1058)
- 35 Ill. Adm. Code 617 Regulated Recharge Areas (P-9882/91; R-17794/91; R-1734; A-1639)
- 35 Ill. Adm. Code 809 Special Waste Hauling (P-13017/91; A-130)
- 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-1112)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-1123)
- 35 Ill. Adm. Code 726 Standards for the Management of Specific Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-1148)
- 35 Ill. Adm. Code 731 Underground Storage Tanks (P-2230)
- 35 Ill. Adm. Code 212 Visible & Particulate Matter Emissions (P-41)

PRAIRIE STATE 2000 AUTHORITY

- 56 Ill. Adm. Code 5400 Individual Training Assistance Program (P-1490) (E-1693)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1130 Americans With Disabilities Act Grievance Procedure (P-2010)
- 68 Ill. Adm. Code 1150 Ill. Architecture Practice Act of 1989 (P-2492/91; A-3143)
- 68 Ill. Adm. Code 1200 Ill. Certified Shorthand Reporters Act of 1984 (P-14369/91; A-3169)
- 68 Ill. Adm. Code 1340 Ill. Physical Therapy Act (P-11369/91; A-3175)
- 68 Ill. Adm. Code 1255 Interior Design Profession Title Act (P-17030/91; A-3194)
- 68 Ill. Adm. Code 1310 Nursing Home Administrators Licensing & Disciplinary Act, The (P-3784)
- 68 Ill. Adm. Code 1450 Real Estate License Act of 1983 (P-14375/91; A-3204)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-3335)
- 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-14994/91; A-3468)
- 89 Ill. Adm. Code 110 Application Process (P-3405)
- 89 Ill. Adm. Code 160 Child Support Enforcement (P-806/91; A-1852) (P-2406)
- 89 Ill. Adm. Code 144 Developmental Disabilities Service (P-7455/91; A-3497)
- 89 Ill. Adm. Code 150 Fiscal Year 1992 Emergency Budgetary Changes (E-2258)
- 89 Ill. Adm. Code 121 Food Stamps (E-757) (P-2420)
- 89 Ill. Adm. Code 114 General Assistance (P-15008/91; A-3512) (E-4540)
- 89 Ill. Adm. Code 148 Hospital Services (P-1786)
- 89 Ill. Adm. Code 120 Medical Assistance Programs (P-12137/91; A-139) (P-833/91; A-1862)
- 89 Ill. Adm. Code 140 Medical Payment (P-65) (E-300) (P-12171/91; A-174) (P-472) (P-1482) (P-6949/91; A-1877) (P-3045) (P-3409) (P-6949/91; A-3552) (P-7482/91; A-3552) (P-13685/91; A-3552) (P-12171/91; A-4006) (P-11555/91; A-4006)
- 89 Ill. Adm. Code 104 Practice in Administrative Hearings (P-2752)
- 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-7501/91; A-4035) (P-4218)

ILLINOIS REGISTER

1992 CUMULATIVE INDEX

MARCH 20, 1992

VOL. 16, ISSUE #12

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 692 AIDS Drug Reimbursement Program (P-7501/91; A-4052)
- 77 Ill. Adm. Code 205 Ambulatory Surgical Treatment Center Licensing Requirements (P-3426)
- 77 Ill. Adm. Code 693 Control of Sexually Transmissible Diseases Code (RC-4556)
- 77 Ill. Adm. Code 250 Hospital Licensing Act (P-2016)
- 77 Ill. Adm. Code 840 Ill. Health & Hazardous Substances Registry (P-4329)
- 77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-4280/91; A-594)
- 77 Ill. Adm. Code 390 Long-Term Care for Under Age 22 Facilities Code (P-4309/91; A-623)
- 77 Ill. Adm. Code 1190 Permit Application Fees (P-3065)
- 77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-4338/91; A-651)
- 77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-4367/91; A-681) (P-2034)
- 77 Ill. Adm. Code 830 Structural Pest Control Code (P-2092)

RACING BOARD, ILLINOIS

- 11 Ill. Adm. Code 1314 General Racing & Track Rules (P-2433)
- 11 Ill. Adm. Code 405 Pari-Mutuels (P-2436)
- 11 Ill. Adm. Code 415 Programs (P-1263)
- 11 Ill. Adm. Code 1305 Racetrack Operators & Their Duties (P-2439)
- 11 Ill. Adm. Code 1424 Regs. for Meetings (P-1266) (P-2444)
- 11 Ill. Adm. Code 436 Security Areas (P-1565/91; A-4520)

REHABILITATION SERVICES, DEPARTMENT OF

- 4 Ill. Adm. Code 300 Americans With Disabilities Act Grievance Procedure (P-3433)
- 89 Ill. Adm. Code 510 Appeals & Hearings (P-69)
- 89 Ill. Adm. Code 683 Application Process (E-2688)
- 89 Ill. Adm. Code 674 Fiscal Year 1992 Emergency Budgetary Changes (E-2690)
- 89 Ill. Adm. Code 787 Ill. Children's School & Rehabilitation Center's Respite Program (P-13027/91; A-2882)
- 89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria (P-14392/91; A-4529)
- 89 Ill. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-3067)
- 89 Ill. Adm. Code 845 Sequential Evaluation Process for the Determination of Disability (P-11572/91; A-2615)
- 89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-3440)

REVENUE, DEPARTMENT OF

- 86 Ill. Adm. Code 480 Hotel Operators' Occupation Tax Act (P-15422/91; A-3578)
- 86 Ill. Adm. Code 110 Property Tax/Revenue Act of 1939 (P-14196/91; A-2624)
- 86 Ill. Adm. Code 130 Retailers' Occupation Tax (P-15013/91; A-1642)
- 86 Ill. Adm. Code 3000 Riverboat Gambling (P-3802)

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OF

- 38 Ill. Adm. Code 450 Residential Mortgage License Act of 1987 (P-2763) (E-2915)

SECRETARY OF STATE

- 4 Ill. Adm. Code 100 Americans With Disabilities Act Grievance Procedure (P-3444)
- 92 Ill. Adm. Code 100 Ill. Safety Responsibility Law (P-15428/91; A-2172)
- 14 Ill. Adm. Code 175 Ill. Union Label Act (P-7518/91; A-4058)
- 92 Ill. Adm. Code 1030 Issuance of Licenses (P-1271) (P-14198/91; A-2182; C-2957) (P-2449)
- 71 Ill. Adm. Code 2000 Public Building Construction (P-1511)

STATE POLICE, DEPARTMENT OF

- 20 Ill. Adm. Code 1235 Firearm Transfer Inquiry Program (E-17785/91; O-1746)
- 20 Ill. Adm. Code 1285 Sample Collection for Genetic Marker Indexing (P-3840)

STATE POLICE MERIT BOARD, DEPARTMENT OF

- 80 Ill. Adm. Code 150 Procedures of the Department of State Police Merit Board (P-4360)



# ILLINOIS REGISTER

VOL. 16, ISSUE #12

1992 CUMULATIVE INDEX

MARCH 20, 1992

## STUDENT ASSISTANCE COMMISSION, ILLINOIS

23 Ill. Adm. Code 2700  
General Provisions (P-4368)  
23 Ill. Adm. Code 2720  
Guaranteed Loan Programs (P-15026/91; A-4060) (P-4386)  
23 Ill. Adm. Code 2730  
Ill. National Guard Grant (P-4416)  
23 Ill. Adm. Code 2733  
Ill. Veteran Grant (IVG) Program (P-4423)  
23 Ill. Adm. Code 2790  
Limitation, Suspension, or Termination (P-4431)  
23 Ill. Adm. Code 2761  
Merit Recognition Scholarship (MRS) Program (P-4452)  
23 Ill. Adm. Code 2735  
Monetary Award Program (P-4458)  
23 Ill. Adm. Code 2762  
Paul Douglas Teacher Scholarship Program (P-4475)  
23 Ill. Adm. Code 2760  
State Scholar Program (P-4483)  
23 Ill. Adm. Code 2770  
Student to Student (STS) Program of Matching Grants (P-4491)

## TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 530  
Accommodation of Utilities on Right-of-Way (P-2940/91; A-2193) (PR-3003/91; AR-2256)  
92 Ill. Adm. Code 177  
Carriage by Public Highway (15990/91; W-2695) (P-3847)  
92 Ill. Adm. Code 180  
Continuing Qualification & Maintenance of Packaging (P-3851)  
92 Ill. Adm. Code 708  
Floodway Construction in Northeastern Ill. (P-8193/91; A-194)  
92 Ill. Adm. Code 171  
General Information, Regs., & Definitions (P-15995/91; W-2696) (P-3856)  
92 Ill. Adm. Code 172  
Hazardous Materials Table & Hazardous Materials Communications (P-16003/91; W-2697) (P-3864)  
92 Ill. Adm. Code 440  
Minimum Safety Standards for Construction of Type I School Buses (P-13041/91; A-1655)  
92 Ill. Adm. Code 442  
Minimum Safety Standards for Construction of Type II School Buses (P-13072/91; A-1685)  
92 Ill. Adm. Code 173  
Shippers General Requirements for Shipments & Packagings (P-16008/91; W-2698) (P-3869)  
92 Ill. Adm. Code 178  
Shipping Container Specifications (P-16015/91; W-2699) (P-3876)  
92 Ill. Adm. Code 179  
Specifications for Tank Cars (P-16027/91; W-2700) (P-3888)  
  
TREASURER  
4 Ill. Adm. Code 350  
74 Ill. Adm. Code 750  
Americans With Disabilities Act Grievance Procedure (P-2106)  
Home Ownership Made Easy Act (P-15035/91; A-203)

## VETERANS' AFFAIRS, DEPARTMENT OF

95 Ill. Adm. Code 122  
Americans With Disabilities Act Grievance Procedure (P-2113)  
95 Ill. Adm. Code 116  
MIA/POW Scholarship (P-558)  
95 Ill. Adm. Code 121  
Persian Gulf Conflict Veterans Act (P-561)

## PUBLIC HEARINGS

### AGING, DEPARTMENT ON

Community Care Program, 89 Ill. Adm. Code 240

318

### CRIMINAL JUSTICE INFORMATION AUTHORITY

Americans With Disabilities Act Grievance Procedure; 20 Ill. Adm. Code 1580

2701

### INSURANCE, DEPARTMENT OF

Infertility Coverage; 50 Ill. Adm. Code 2015

768

### LABOR, DEPARTMENT OF

Balloon Dart Game Permit Act, The; 56 Ill. Adm. Code 1700

1747

### PUBLIC HEALTH, DEPARTMENT OF

Structural Pest Control Code; 77 Ill. Adm. Code 830

3596

### STATE POLICE, DEPARTMENT OF

Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

319

# ILLINOIS REGISTER

VOL. 16, ISSUE #12

1992 CUMULATIVE INDEX

MARCH 20, 1992

## PUBLIC INFORMATION

### ATTORNEY GENERAL

In Conjunction with the Ill. Environmental Protection Agency, Proposed Consent Decree to Resolve Costs of Site Study & Remedial Work At Kilbourne Avenue Site in Chicago, Ill.

1748

### BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Peoria Corp., Peoria, Ill.  
Notice of Acceptance of An Application By Firststar Corporation and Firststar Corporation of Ill., Milwaukee, Wisconsin, To Acquire First Geneva Banqueshares, Inc., Geneva, Ill.

2703

4557

### EDUCATION, STATE BOARD OF

State Plan for Fiscal Years 1993-95 Under Part B of the Individuals with Disabilities Education Act

1276

### ENVIRONMENTAL PROTECTION AGENCY

Listing of Derived Water Quality Criteria

2704

### LOTTERY, DEPARTMENT OF THE

Listing of Game-Specific Materials published by the Lottery during calendar year 1991

1435

### POLLUTION CONTROL BOARD

Notice Pursuant To Ill. Rev. Stat. 1989, Ch. 111 1/2, Par. 1007.2(b)-RCRA Rules Pursuant To Section 22.4(a)  
Notice Pursuant To Ill. Rev. Stat. 1989, Ch. 111 1/2, Par. 1007.2(b)-SWDA Rules Pursuant To Section 17.5  
Notice Pursuant To Ill. Rev. Stat. 1989, Ch. 111 1/2, Par. 1007.2(b)-UST Rules Pursuant To Section 22.4(c)

2706

2708

2710

### REVENUE, DEPARTMENT OF

Index of Letter Rulings (Third Quarter of 1991) (Income Tax)

1750

### SECRETARY OF STATE

Error in Printing

3597

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for January 8, 1992

Agenda for February 4, 1992

Agenda for March 3, 1992

320

1908

3218

Second Notices Received

325, 769, 1437, 1772, 1915, 2274, 2712, 2958, 3225, 3598, 4079, 4558

## EXECUTIVE ORDERS AND PROCLAMATIONS

### EXECUTIVE ORDERS

Executive Order Creating The Illinois Task Force On Crime and Corrections

2959

### PROCLAMATIONS

91-590 Top Ladies of Distinction Day  
91-591 Glenbrook North Marching Band Day  
91-592 Donald H. Schlosser Recognized  
91-593 Brian Stocker Wished Success

326

326

770

770



## PROCLAMATIONS (CONT'D)

91-594	Black Data Processing Associates Day	771
91-595	Blood Donor Awareness Month	771
91-596	217th Engineering Installation Squadron Anniversary Month	772
91-597	Kiwanis Week	772
92-001	Lester H. McKeever, Jr. Day	1774
92-002	School Social Work Week	1774
92-003	V. Glenn and Zada Hunt Day	1775
92-004	Catholic Schools Week/National Appreciation Day for Catholic Schools	1776
92-005	Great Lakes Challenge Governors Cup Race	1776
92-006	Joint Action In Community Service Day	1776
92-007	North East Multi-Regional Training-Mobile Team Unit #3 Referendum Notice/ Federal Social Security Act	1777
-008	President Francesco Cossiga Scholar At The Newberry Library Created	1778
-009	Creole Heritage Day	1917
92-010	Teen Leadership Conference Day	1917
92-011	Women's Reproductive Health Day	1917
92-012	Black Nurses' Day	1918
92-013	Henry H. Hindin Day	1918
92-014	Iqbal Geoffrey Day	1919
92-015	Paralyzed Veterans of America Recognition Day	1919
92-016	Project Quest Day	1920
92-017	Raymond K. Wilkowski Recognized	1920
92-018	Jaycee Week	2276
92-019	Afro-American History Month	2276
92-020	Community Associations Day	2277
92-021	Eye Donor Awareness Month	2277
92-022	Family Week	2277
92-023	Florence Knight Day	2278
92-024	Four Chaplains Sunday	2278
92-025	Intravenous Nurses Day	2279
92-026	Dr. Loren K. Robinson Day	2279
92-027	Industrial Engineers Day	2280
92-028	Land Surveyors' Month	2280
92-029	School Psychologists Association Week	2281
92-030	Financial Aid Awareness Month	2713
92-031	Seed Month	2713
92-032	Travel Agency Appreciation Week	2714
92-033	School Guidance And Counseling Week	2714
92-034	World Of Children Day	2715
92-035	Child Abuse Awareness Day	2715
92-036	Chicago Dental Society Midwinter Meeting Program Days	2716
92-037	Pastors Abe And Louise Richardson Day	2716
92-038	Richard M. Morrow Day	2717
92-039	Nathan Gold Day	2717
92-040	University of Chicago Month	2718
92-041	Eye Donor Awareness Month (Revised)	2960
92-042	Army ROTC Week	2960
92-043	Astronaut Remembrance Day	2961
92-044	Cardiac Rehabilitation Week	2961
92-045	Nutrition Month	2962
92-046	Future Business Leaders Of America-Phi Beta Lambda Week	2963
92-047	Junior High Student Government Week	2963
92-048	FFA Week	2963
92-049	Harvey J. Dominick Day	2964
92-050	International Week	2964
	Justin Dart Day	2965

## PROCLAMATIONS (CONT'D)

92-051	Sales and Marketing Month	2965
92-052	Commonwealth Edison E-Team Day	2966
92-053	Navy Wives Clubs of America/55th Anniversary	2966
92-054	Scandinavian Week	2967
92-055	Engineers Week	2967
92-056	Ivan Elliott Jr. Day	2968
92-057	Jay B. Ross Day	2968
92-058	Trilogy, Inc. Congratulated	3227
92-059	Ida Crown Jewish Academy Day	3227
92-060	Doctor's Day	3228
92-061	Licensed Practical Nurse Week	3228
92-062	Student Council Week	3228
92-063	Illinois 2000 Kickoff Announced	3229
92-064	Block-Kids Month	3599
92-065	College of DuPage Congratulated	3599
92-066	Gussie Mable Henson Day	3600
92-067	Tibetan National Day	3600
92-068	Gateway Foundation Day	3601
92-069	Kidney Month	3602
92-070	Rehabilitation Facilities Week	3602
92-071	Agriculture Week	3603
92-072	Chronic Fatigue Syndrome Awareness Month/Chronic Fatigue Syndrome Awareness Week	4080
92-073	Louis Sudler Day	4080
92-074	Lutheran Schools Week	4080
92-075	Metropolitan Pier And Exposition Authority Employee Longevity Day	4081
92-076	Motorcycle Awareness Month	4082
92-077	Top Ladies of Distinction Day	4082
92-078	Employ The Older Worker Week	4083
92-079	Women's History Month	4083
92-080	Youth Art Month	4084
92-081	Reverend Doctor Peter Hess Beckwith Recognized	4084
92-082	St. David's Day	4085
92-083	Tornado Preparedness Week	4085
92-084	Bob Collins Day	4086
92-085	Mrs. Ellis Gibson Hatchett Day	4560
92-086	AFS Host Family Recognition Week	4560
92-087	Federal Employee Of The Year Day	4561
92-088	Karnevalsgesellschaft Rheinischer Verein Von Chicago Day	4561
92-089	U.S. Savings Bond Campaign Month	4562
92-090	Free Paper Week	4562
92-091	Irish-American Heritage Month	4562
92-092	Lifeline Pilots Month	4563
92-093	Mount Sinai Hospital Day	4563
92-094	Schaumburg Shoppers Day	4564
92-095	Student-Athlete Day	4564
92-096	Year of Clean Water/Clean Water Month	4565
92-097	Helen Garrett Day	4565
92-098	Casimir Pulaski Day	4566

VOLUME 16, ISSUE #12  
SECTIONS AFFECTED INDEX

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.250 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-72-4) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
re	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 1		TITLE 2		TITLE 3		TITLE 4		TITLE 5		TITLE 6		TITLE 7		TITLE 8		TITLE 9		TITLE 10		TITLE 11		TITLE 12		TITLE 13		TITLE 14		TITLE 15		TITLE 16		TITLE 17		TITLE 18		TITLE 19		TITLE 20		TITLE 21		TITLE 22		TITLE 23		TITLE 24		TITLE 25		TITLE 26		TITLE 27		TITLE 28		TITLE 29		TITLE 30		TITLE 31		TITLE 32		TITLE 33		TITLE 34		TITLE 35		TITLE 36		TITLE 37		TITLE 38		TITLE 39		TITLE 40		TITLE 41		TITLE 42		TITLE 43		TITLE 44		TITLE 45		TITLE 46		TITLE 47		TITLE 48		TITLE 49		TITLE 50		TITLE 51		TITLE 52		TITLE 53		TITLE 54		TITLE 55		TITLE 56		TITLE 57		TITLE 58		TITLE 59		TITLE 60		TITLE 61		TITLE 62		TITLE 63		TITLE 64		TITLE 65		TITLE 66		TITLE 67		TITLE 68		TITLE 69		TITLE 70		TITLE 71		TITLE 72		TITLE 73		TITLE 74		TITLE 75		TITLE 76		TITLE 77		TITLE 78		TITLE 79		TITLE 80		TITLE 81		TITLE 82		TITLE 83		TITLE 84		TITLE 85		TITLE 86		TITLE 87		TITLE 88		TITLE 89		TITLE 90		TITLE 91		TITLE 92		TITLE 93		TITLE 94		TITLE 95		TITLE 96		TITLE 97		TITLE 98		TITLE 99		TITLE 100		TITLE 101		TITLE 102		TITLE 103		TITLE 104		TITLE 105		TITLE 106		TITLE 107		TITLE 108		TITLE 109		TITLE 110		TITLE 111		TITLE 112		TITLE 113		TITLE 114		TITLE 115		TITLE 116		TITLE 117		TITLE 118		TITLE 119		TITLE 120		TITLE 121		TITLE 122		TITLE 123		TITLE 124		TITLE 125		TITLE 126		TITLE 127		TITLE 128		TITLE 129		TITLE 130		TITLE 131		TITLE 132		TITLE 133		TITLE 134		TITLE 135		TITLE 136		TITLE 137		TITLE 138		TITLE 139		TITLE 140		TITLE 141		TITLE 142		TITLE 143		TITLE 144		TITLE 145		TITLE 146		TITLE 147		TITLE 148		TITLE 149		TITLE 150		TITLE 151		TITLE 152		TITLE 153		TITLE 154		TITLE 155		TITLE 156		TITLE 157		TITLE 158		TITLE 159		TITLE 160		TITLE 161		TITLE 162		TITLE 163		TITLE 164		TITLE 165		TITLE 166		TITLE 167		TITLE 168		TITLE 169		TITLE 170		TITLE 171		TITLE 172		TITLE 173		TITLE 174		TITLE 175		TITLE 176		TITLE 177		TITLE 178		TITLE 179		TITLE 180		TITLE 181		TITLE 182		TITLE 183		TITLE 184		TITLE 185		TITLE 186		TITLE 187		TITLE 188		TITLE 189		TITLE 190		TITLE 191		TITLE 192		TITLE 193		TITLE 194		TITLE 195		TITLE 196		TITLE 197		TITLE 198		TITLE 199		TITLE 200		TITLE 201		TITLE 202		TITLE 203		TITLE 204		TITLE 205		TITLE 206		TITLE 207		TITLE 208		TITLE 209		TITLE 210		TITLE 211		TITLE 212		TITLE 213		TITLE 214		TITLE 215		TITLE 216		TITLE 217		TITLE 218		TITLE 219		TITLE 220		TITLE 221		TITLE 222		TITLE 223		TITLE 224		TITLE 225		TITLE 226		TITLE 227		TITLE 228		TITLE 229		TITLE 230		TITLE 231		TITLE 232		TITLE 233		TITLE 234		TITLE 235		TITLE 236		TITLE 237		TITLE 238		TITLE 239		TITLE 240		TITLE 241		TITLE 242		TITLE 243		TITLE 244		TITLE 245		TITLE 246		TITLE 247		TITLE 248		TITLE 249		TITLE 250		TITLE 251		TITLE 252		TITLE 253		TITLE 254		TITLE 255		TITLE 256		TITLE 257		TITLE 258		TITLE 259		TITLE 260		TITLE 261		TITLE 262		TITLE 263		TITLE 264		TITLE 265		TITLE 266		TITLE 267		TITLE 268		TITLE 269		TITLE 270		TITLE 271		TITLE 272		TITLE 273		TITLE 274		TITLE 275		TITLE 276		TITLE 277		TITLE 278		TITLE 279		TITLE 280		TITLE 281		TITLE 282		TITLE 283		TITLE 284		TITLE 285		TITLE 286		TITLE 287		TITLE 288		TITLE 289		TITLE 290		TITLE 291		TITLE 292		TITLE 293		TITLE 294		TITLE 295		TITLE 296		TITLE 297		TITLE 298		TITLE 299		TITLE 300		TITLE 301		TITLE 302		TITLE 303		TITLE 304		TITLE 305		TITLE 306		TITLE 307		TITLE 308		TITLE 309		TITLE 310		TITLE 311		TITLE 312		TITLE 313		TITLE 314		TITLE 315		TITLE 316		TITLE 317		TITLE 318		TITLE 319		TITLE 320		TITLE 321		TITLE 322		TITLE 323		TITLE 324		TITLE 325		TITLE 326		TITLE 327		TITLE 328		TITLE 329		TITLE 330		TITLE 331		TITLE 332		TITLE 333		TITLE 334		TITLE 335		TITLE 336		TITLE 337		TITLE 338		TITLE 339		TITLE 340		TITLE 341		TITLE 342		TITLE 343		TITLE 344		TITLE 345		TITLE 346		TITLE 347		TITLE 348		TITLE 349		TITLE 350		TITLE 351		TITLE 352		TITLE 353		TITLE 354		TITLE 355		TITLE 356		TITLE 357		TITLE 358		TITLE 359		TITLE 360		TITLE 361		TITLE 362		TITLE 363		TITLE 364		TITLE 365		TITLE 366		TITLE 367		TITLE 368		TITLE 369		TITLE 370		TITLE 371		TITLE 372		TITLE 373		TITLE 374		TITLE 375		TITLE 376		TITLE 377		TITLE 378		TITLE 379		TITLE 380		TITLE 381		TITLE 382		TITLE 383		TITLE 384		TITLE 385		TITLE 386		TITLE 387		TITLE 388		TITLE 389		TITLE 390		TITLE 391		TITLE 392		TITLE 393		TITLE 394		TITLE 395		TITLE 396		TITLE 397		TITLE 398		TITLE 399		TITLE 400		TITLE 401		TITLE 402		TITLE 403		TITLE 404		TITLE 405		TITLE 406		TITLE 407		TITLE 408		TITLE 409		TITLE 410		TITLE
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TITLE 8 (CONT'D)	
85.5	ann
85.10	(P-3635)
85.15	(P-3635)
85.15	(P-3635)
85.75	(P-3635)
85.80	(P-3635)
85.100	(P-3635)
85.115	(P-3635)
85.120	(P-3635)
90.5	n
90.110	(P-3653)
105.5	(P-3653)
105.10	(P-3680)
105.30	(P-3680)
105.90	(P-3680)
110.50	(P-3624)
110.80	(P-3624)
110.90	(P-3624)
110.110	(P-3624)
110.120	(P-3624)
115.10	(P-3661)
115.20	(P-3661)
115.30	(P-3661)
115.50	(P-3661)
115.70	(P-3661)
115.80	(P-3661)
115.100	(P-3661)
125.10	(P-1921)
125.190	(P-1921)
125.260	(PP-1899)
125.270	(P-1921)
125.290	(P-1921)
125.295	(P-1921)
125.380	(PP-1899)
125.390	(P-1921)
235.10	(P-2969)
235.20	(P-2969)
TITLE 11	
405.90	(P-2436)
415.60	(P-1263)
436.05	(P-15655)
436.10	r
436.20	(P-15655)
436.30	(P-15655)
436.40	r
436.50	(P-15655)
436.60	(P-15655)
436.70	(P-15655)
436.80	(P-15655)
436.90	r
436.100	(P-15655)
436.110	ann
436.120	r
436.130	ann
436.140	r
450.10	n
1305.120	(P-2439)
1305.130	r
1305.140	ann
1314.10	(P-2433)
1424.100	r
1424.170	(P-2444)

1424.105	r	(P-2444)
1424.250	am	(P-1266)
1705.10	n	(P-1779)
1705.30	n	(P-1779)
1705.50	n	(P-1779)
1705.40	n	(P-1779)
1705.50	n	(P-1779)
1705.60	n	(P-1779)
1705.70	n	(P-1779)
<b>FILE 14</b>		
175.10	am	(P-7518/9)
520.900	am	(P-89)
520.930	am	(P-89)
520.1100	n	(P-89)
520.1110	n	(P-89)
520.1120	n	(P-89)
520.1130	n	(P-89)
520.1140	n	(P-89)
550.35	am	(P-10249)
<b>FILE 17</b>		
525.30	am	(P-15647)
590.10	am	(P-14157)
590.20	am	(P-14157)
590.60	am	(P-14157)
710.10	am	(P-14833)
710.20	am	(P-14833)
710.21	am	(P-14833)
710.30	am	(P-14833)
710.50	am	(P-14833)
880.10	n	(P-13603)
880.20	n	(P-13603)
880.30	n	(P-13603)
880.40	n	(P-13603)
880.50	n	(P-13603)
970.10	r	(P-2727)
970.20	r	(P-2727)
970.30	r	(P-2727)
970.40	r	(P-2727)
970.50	r	(P-2727)
970.60	r	(P-2727)
1010.30	am	(P-13594)
1530.30	am	(P-2972)
1530.50	am	(P-2972)
1530.60	am	(P-2972)
1530.Ex. A	n	(P-2972)
1530.Ex. B	n	(P-2972)
1535.1	n	(P-2979)
1535.5	am	(P-2979)
1535.50	am	(P-2979)
1538.5	n	(P-775;W)
1538.10	n	(P-775;W)
1538.20	n	(P-775;W)
1538.30	n	(P-775;W)
1538.40	n	(P-775;W)
1538.50	n	(P-775;W)
1538.60	n	(P-775;W)
1538.70	n	(P-775;W)
1538.80	n	(P-775;W)
1590.50	am	(P-4132)
1590.60	am	(P-4132)
1590.70	am	(P-4132)

[illegible]

TITLE 17	
1590.80	435.10
1590.90	435.12
1590.100	435.15
1590.110	435.20
1590.120	435.30
2030.15	435.40
2030.20	435.45
2520.50	435.60
3010.40	435.70
3010.50	435.80
3010.70	435.10
3010.80	435.12
3020.20	435.15
3020.40	435.20
3020.50	435.30
3020.70	435.40
3020.80	435.45
3030.30	435.60
3030.50	435.70
3035.40	435.80
3035.80	435.10
504.802	435.12
504.810	435.15
504.830	435.20
504.905	435.30
504.910	435.40
504.920	435.45
504.930	435.60
525.110	435.70
525.140	435.80
1235.10	1235.10
1235.20	1235.20
1235.30	1235.30
1235.40	1235.40
1235.50	1235.50
1235.60	1235.60
1235.70	1235.70
1235.80	1235.80
1235.90	1235.90
1235.100	1235.100
1235.110	1235.110
1235.120	1235.120
1235.130	1235.130
1235.140	1235.140
1235.150	1235.150
1235.160	1235.160
1235.170	1235.170
1235.180	1235.180
1235.190	1235.190
1235.200	1235.200
1235.210	1235.210
1235.220	1235.220
1235.230	1235.230
1235.240	1235.240
1235.250	1235.250
1235.260	1235.260
1235.270	1235.270
1235.280	1235.280
1235.290	1235.290
1235.300	1235.300
1235.310	1235.310
1235.320	1235.320
1235.330	1235.330
1235.340	1235.340
1235.350	1235.350
1235.360	1235.360
1235.370	1235.370
1235.380	1235.380
1235.390	1235.390
1235.400	1235.400
1235.410	1235.410
1235.420	1235.420
1235.430	1235.430
1235.440	1235.440
1235.450	1235.450
1235.460	1235.460
1235.470	1235.470
1235.480	1235.480
1235.490	1235.490
1235.500	1235.500
1235.510	1235.510
1235.520	1235.520
1235.530	1235.530
1235.540	1235.540
1235.550	1235.550
1235.560	1235.560
1235.570	1235.570
1235.580	1235.580
1235.590	1235.590
1235.600	1235.600
1235.610	1235.610
1235.620	1235.620
1235.630	1235.630
1235.640	1235.640
1235.650	1235.650
1235.660	1235.660
1235.670	1235.670
1235.680	1235.680
1235.690	1235.690
1235.700	1235.700
1235.710	1235.710
1235.720	1235.720
1235.730	1235.730
1235.740	1235.740
1235.750	1235.750
1235.760	1235.760
1235.770	1235.770
1235.780	1235.780
1235.790	1235.790
1235.800	1235.800
1235.810	1235.810
1235.820	1235.820
1235.830	1235.830
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1235.850	1235.850
1235.860	1235.860
1235.870	1235.870
1235.880	1235.880
1235.890	1235.890
1235.900	1235.900
1235.910	1235.910
1235.920	1235.920
1235.930	1235.930
1235.940	1235.940
1235.950	1235.950
1235.960	1235.960
1235.970	1235.970
1235.980	1235.980
1235.990	1235.990
1236.000	1236.000
1236.010	1236.010
1236.020	1236.020
1236.030	1236.030
1236.040	1236.040
1236.05	

NTD

[illegible]

1285.70	n	(P-3840)
1285.80	n	(P-3840)
1570.10	n	(P-2732)
1570.20	n	(P-2732)
1570.30	n	(P-2732)
1570.40	n	(P-2732)
1570.50	n	(P-2732)
1570.60	n	(P-2732)
1580.10	n	(P-1948)
1580.20	n	(P-1948)
1580.30	n	(P-1948)
1580.40	n	(P-1948)
1580.50	n	(P-1948)
1720.15	am	(P-152515)
1720.35	am	(E-727)
1800.10	n	(P-10)
1800.20	n	(P-10)
1800.30	n	(P-10)
1800.40	n	(P-10)
1810.100	n	(P-469)
1810.110	n	(P-469)
1810.200	n	(P-469)
1810.210	n	(P-469)
1810.220	n	(P-469)
1810.230	n	(P-469)
1810.240	n	(P-469)
1810.250	n	(P-469)
1810.300	n	(P-469)
1810.400	n	(P-469)
1810.410	n	(P-469)
1810.420	n	(P-469)
1810.430	n	(P-469)
1810.440	n	(P-469)
1810.500	n	(P-469)
1810.510	n	(P-469)
1810.520	n	(P-469)
1810.530	n	(P-469)
1810.540	n	(P-469)
1810.550	n	(P-469)
1810.600	n	(P-469)
1810.610	n	(P-469)
1810.620	n	(P-469)
1810.700	n	(P-469)
1810.710	n	(P-469)
1810.720	n	(P-469)
1810.730	n	(P-469)
1810.800	n	(P-469)
1810.900	n	(P-469)
1810.910	n	(P-469)
1810.1000	n	(P-469)
1810.1010	n	(P-469)
1810.1020	n	(P-469)
1810.1020	n	(P-469)
1810.1100	n	(P-469)
1810.1110	n	(P-469)
120.10	am	(P-1452)
120.30	am	(P-1452)
120.40	am	(P-1452)
120.50	am	(P-1452)
120.60	am	(P-1452)
120.90	am	(P-1452)
130.10	am	(P-1439)



TITLE 31 (CONT'D)			TITLE 32 (CONT'D)		
130.20	am	(P-1439)	2733.30	am	(P-4423)
130.30	am	(P-1439)	2735.10	am	(P-4458)
130.40	am	(P-1439)	2735.20	am	(P-4458)
130.45	am	(P-1439)	2735.30	am	(P-4458)
130.50	am	(P-1439)	2735.40	am	(P-4458)
226.60S	am	(P-3724)	2735.50	am	(P-4458)
226.640	am	(P-3724)	2735.60	am	(P-4458)
235.10	n	(P-439)	2735.70	am	(P-4458)
235.20	n	(P-439)	2735.80	am	(P-4458)
235.30	n	(P-439)	2735.90	am	(P-4458)
235.40	n	(P-439)	2735.Ap. A	am	(P-4458)
235.45	n	(P-439)	2760.5	am	(P-4483)
235.50	n	(P-439)	2760.10	am	(P-4483)
235.60	n	(P-439)	2760.30	am	(P-4483)
235.100	n	(P-439)	2760.40	am	(P-4483)
235.110	n	(P-439)	2761.10	am	(P-4452)
235.120	n	(P-439)	2761.20	am	(P-4452)
235.130	n	(P-439)	2761.30	am	(P-4452)
235.135	n	(P-439)	2762.10	am	(P-4475)
235.140	n	(P-439)	2762.20	am	(P-4475)
235.150	n	(P-439)	2762.30	am	(P-4475)
1015.10	n	(P-1485291; A-4496)	2762.40	am	(P-4475)
1015.20	n	(P-1485291; A-4496)	2770.10	#	(P-4491)
1015.30	n	(P-1485291; A-4496)	2770.10	n	(P-4491)
1015.40	n	(P-1485291; A-4496)	2770.20	n	(P-4491)
1015.50	n	(P-1485291; A-4496)	2770.30	#	(P-4491)
1015.60	n	(P-1485291; A-4496)	2770.30	am	(P-4491)
1015.70	n	(P-1485291; A-4496)	2790.10	am	(P-4431)
2700.10	am	(P-4368)	2790.20	am	(P-4431)
2700.20	am	(P-4368)	2790.30	am	(P-4431)
2700.30	am	(P-4368)	2790.40	am	(P-4431)
2700.40	am	(P-4368)	2790.50	am	(P-4431)
2700.50	am	(P-4368)	2790.60	am	(P-4431)
2700.55	am	(P-4368)	2790.70	am	(P-4431)
2700.60	am	(P-4368)	2790.80	am	(P-4431)
2720.5	am	(P-4386)	2790.90	am	(P-4431)
2720.6	am	(P-4386)	2790.100	am	(P-4431)
2720.10	am	(P-1502691;A-4060)	2790.110	am	(P-4431)
			2790.120	am	(P-4431)
			2790.130	am	(P-4431)
			2790.140	am	(P-4431)
			2790.Ap. A	am	(P-4431)
TITLE 32			TITLE 32		
2720.20	am	(P-4386)	210.10	n	(P-2003)
2720.25	am	(P-4386)	210.20	n	(P-2003)
2720.30	am	(P-4386)	210.30	n	(P-2003)
2720.40	am	(P-1502691; A-4060)	210.40	n	(P-2003)
			210.50	n	(P-2003)
			210.60	n	(P-2003)
			210.70	n	(P-2003)
			331.110	am	(P-2003)
			331.120	am	(P-2984)
			331.130	am	(P-2984)
			331.200	am	(P-2984)
			331.Ap. A	am	(P-2984)
			Th. B	r	(P-2984)
			Th. B	r	(P-2984)
			Th. C	r	(P-2984)
			331.Ap. B	am	(P-2984)
			331.Ap. C	r	(P-2984)
			340.4010	am	(P-2746)
			400.120	am	(P-2739)
				am	(P-2739)

TITLE 33			TITLE 33		
212.113	am	(P-41)	212.113	am	(P-41)
212.424	am	(P-41)	212.424	am	(P-41)
212.443	am	(P-41)	212.443	am	(P-41)
212.445	am	(P-41)	212.445	am	(P-41)
215.123	am	(P-4170)	215.123	am	(P-4170)
215.215	n	(P-1105991; A-3132)	215.215	n	(P-1105991; A-3132)
215.583	am	(P-4170)	215.583	am	(P-4170)
218.583	am	(P-4184)	218.583	am	(P-4184)
218.586	n	(P-4184)	218.586	n	(P-4184)
219.583	am	(P-4200)	219.583	am	(P-4200)
219.586	n	(P-16)	219.586	n	(P-16)
243.108	am	(P-16)	243.108	am	(P-16)
243.120	n	(P-16)	243.120	n	(P-16)
243.121	r	(P-16)	243.121	r	(P-16)
244.101	am	(P-22)	244.101	am	(P-22)
244.106	am	(P-22)	244.106	am	(P-22)
244.107	am	(P-22)	244.107	am	(P-22)
244.121	am	(P-22)	244.121	am	(P-22)
244.161	am	(P-22)	244.161	am	(P-22)
244.162	am	(P-22)	244.162	am	(P-22)
244.163	am	(P-22)	244.163	am	(P-22)
244.166	am	(P-22)	244.166	am	(P-22)
244.167	am	(P-22)	244.167	am	(P-22)
244.168	am	(P-22)	244.168	am	(P-22)
244.169	am	(P-22)	244.169	am	(P-22)
244.Ap.D	am	(P-22)	244.Ap.D	am	(P-22)
365.103	am	(P-3745)	365.103	am	(P-3745)
365.104	am	(P-3745)	365.104	am	(P-3745)
365.203	am	(P-3745)	365.203	am	(P-3745)
365.304	am	(P-3745)	365.304	am	(P-3745)
365.401	am	(P-3745)	365.401	am	(P-3745)
365.402	am	(P-3745)	365.402	am	(P-3745)
365.403	am	(P-3745)	365.403	am	(P-3745)
365.404	am	(P-3745)	365.404	am	(P-3745)
365.405	am	(P-3745)	365.405	am	(P-3745)
365.503	am	(P-3745)	365.503	am	(P-3745)
365.602	am	(P-3745)	365.602	am	(P-3745)
365.603	am	(P-3745)	365.603	am	(P-3745)
365.604	am	(P-3745)	365.604	am	(P-3745)
365.803	n	(P-3745)	365.803	n	(P-3745)
365.903	am	(P-3745)	365.903	am	(P-3745)
365.1101	am	(P-3745)	365.1101	am	(P-3745)

TITLE 34			TITLE 34		
601.105	am	(P-2739)	601.105	am	(P-2739)
615.101	n	(P-2739)	615.101	n	(P-2739)
615.102	n	(P-1474)	615.102	n	(P-1474)
615.103	n	(P-1474)	615.103	n	(P-1474)
615.104	n	(P-1474)	615.104	n	(P-1474)
615.105	n	(P-1474)	615.105	n	(P-1474)
615.201	n	(P-4163)	615.201	n	(P-4163)
615.202	n	(P-4163)	615.202	n	(P-4163)
615.203	n	(P-4163)	615.203	n	(P-4163)
615.204	n	(P-4163)	615.204	n	(P-4163)
615.205	n	(P-1030391; O-1779191; R-1702; A-1538)	615.205	n	(P-1030391; O-1779191; R-1702; A-1538)
615.206	n	(P-1030391; O-1779191; R-1702; A-1538)	615.206	n	(P-1030391; O-1779191; R-1702; A-1538)
615.207	n	(P-1030391; O-1779191; R-1702; A-1538)	615.207	n	(P-1030391; O-1779191; R-1702; A-1538)
615.208	n	(P-1030391; O-1779191; R-1702; A-1538)	615.208	n	(P-1030391; O-1779191; R-1702; A-1538)
615.209	n	(P-1030391; O-1779191; R-1702; A-1538)	615.209	n	(P-1030391; O-1779191; R-1702; A-1538)
615.210	n	(P-1030391; O-1779191; R-1702; A-1538)	615.210	n	(P-1030391; O-1779191; R-1702; A-1538)
615.211	n	(P-1030391; O-1779191; R-1702; A-1538)	615.211	n	(P-1030391; O-1779191; R-1702; A-1538)
615.301	n	(P-1030391; O-1779191; R-1702; A-1538)	615.301	n	(P-1030391; O-1779191; R-1702; A-1538)
615.302	n	(P-1030391; O-1779191; R-1702; A-1538)	615.302	n	(P-1030391; O-1779191; R-1702; A-1538)
615.303	n	(P-1030391; O-1779191; R-1702; A-1538)	615.303	n	(P-1030391; O-1779191; R-1702; A-1538)
615.304	n	(P-1030391; O-1779191; R-1702; A-1538)	615.304	n	(P-1030391; O-1779191; R-1702; A-1538)
615.305	n	(P-1030391; O-1779191; R-1702; A-1538)	615.305	n	(P-1030391; O-1779191; R-1702; A-1538)
615.306	n	(P-1030391; O-1779191; R-1702; A-1538)	615.306	n	(P-1030391; O-1779191; R-1702; A-1538)
615.307	n	(P-1030391; O-1779191; R-1702; A-1538)	615.307	n	(P-1030391; O-1779191; R-1702; A-1538)
615.401	n	(P-1030391; O-1779191; R-1702; A-1538)	615.401	n	(P-1030391; O-1779191; R-1702; A-1538)
615.402	n	(P-1030391; O-1779191; R-1702; A-1538)	615.402	n	(P-1030391; O-1779191; R-1702; A-1538)
615.403	n	(P-1030391; O-1779191; R-1702; A-1538)	615.403	n	(P-1030391; O-1779191; R-1702; A-1538)
615.404	n	(P-1030391; O-1779191; R-1702; A-1538)	615.404	n	(P-1030391; O-1779191; R-1702; A-1538)
615.421	n	(P-1030391; O-1779191; R-1702; A-1538)	615.421	n	(P-1030391; O-1779191; R-1702; A-1538)
615.422	n	(P-1030391; O-1779191; R-1702; A-1538)	615.422	n	(P-1030391; O-1779191; R-1702; A-1538)
615.423	n	(P-1030391; O-1779191; R-1702; A-1538)	615.423	n	(P-1030391; O-1779191; R-1702; A-1538)





## TITLE 35 (CONT'D)

726-AP. B	(P-1148)	n
726-AP. C	(P-1148)	n
726-AP. D	(P-1148)	n
726-AP. E	(P-1148)	n
726-AP. F	(P-1148)	n
726-AP. G	(P-1148)	n
726-AP. H	(P-1148)	n
726-AP. I	(P-1148)	n
726-AP. J	(P-1148)	n
726-AP. K	(P-1148)	n
726-AP. L	(P-1148)	n
726-Tb. A	(P-916)	n
728.107	(P-916)	am
728.109	(P-916)	am
728.110	(P-916)	n
728.111	(P-916)	n
728.112	(P-916)	n
728.113	(P-916)	n
728.135	(P-916)	am
728.140	(P-916)	am
728.142	(P-916)	am
728.144	(P-916)	am
728-AP. D	(P-916)	am
728-AP. E	(P-916)	am
728-AP. G	(P-916)	am
728-AP. H	(P-916)	am
728-AP. I	(P-916)	n
728-Tb. A	(P-916)	am
728-Tb. B	(P-916)	am
728-Tb. C	(P-916)	am
728-Tb. D	(P-916)	am
728-Tb. E	(P-916)	am
731.110	(P-2330)	am
731.111	(P-2330)	am
731.112	(P-2330)	am
731.113	(P-2330)	am
731.114	(P-2330)	r
731.120	(P-2330)	r
731.121	(P-2330)	r
731.122	(P-2330)	am
731.130	(P-2330)	r
731.131	(P-2330)	r
731.132	(P-2330)	r
731.133	(P-2330)	r
731.134	(P-2330)	r
731.140	(P-2330)	r
731.141	(P-2330)	r
731.142	(P-2330)	r
731.143	(P-2330)	r
731.144	(P-2330)	r
731.145	(P-2330)	r
731.150	(P-2330)	r
731.151	(P-2330)	r
731.152	(P-2330)	r
731.153	(P-2330)	r
731.161	(P-2330)	am
731.162	(P-2330)	am
731.171	(P-2330)	r
731.172	(P-2330)	r
731.173	(P-2330)	r

## TITLE 36

731.174	(P-2330)	r
731.190	(P-2330)	r
731.191	(P-2330)	r
731.192	(P-2330)	r
731.193	(P-2330)	r
731.194	(P-2330)	r
731.195	(P-2330)	r
731.196	(P-2330)	r
731.197	(P-2330)	r
731.198	(P-2330)	r
731.199	(P-2330)	r
731.200	(P-2330)	r
731.202	(P-2330)	r
731.203	(P-2330)	r
731.204	(P-2330)	r
731.205	(P-2330)	r
731.206	(P-2330)	r
731.207	(P-2330)	r
731.208	(P-2330)	r
731.209	(P-2330)	r
731.210	(P-2330)	r
731.211	(P-2330)	r
731-AP. A	(P-2330)	am
731-AP. C	(P-2330)	n
809.901	(P-13017/91; A-130)	r
809.902	(P-13017/91; A-130)	r
809.903	(P-13017/91; A-130)	r
809.904	(P-13017/91; A-130)	r
809.905	(P-13017/91; A-130)	r
809.906	(P-13017/91; A-130)	r
848.101	(P-13004/91; A-3114)	am
848.202	(P-13004/91; A-3114)	am
848.205	(P-13004/91; A-3114)	am
848.206	(P-13004/91; A-3114)	am
848.207	(P-13004/91; A-3114)	n
848.208	(P-13004/91; A-3114)	n
849.101	(P-13265/91; A-2880)	r
849.102	(P-13265/91; A-2880)	r
849.103	(P-13265/91; A-2880)	r
849.104	(P-13265/91; A-2880)	r
849.105	(P-13265/91; A-2880)	r
849.106	(P-13265/91; A-2880)	r
1420.101	(P-17016/91; A-2594)	n
1420.102	(P-17016/91; A-2594)	n

## TITLE 38

450.440	(P-2763) (E-2915)	am
450.1010	(P-2763) (E-2915)	am
450.1250	(P-2763) (E-2915)	am
450.1335	(P-2763) (E-2915)	am
450.1340	(P-2763) (E-2915)	am

## TITLE 41

215.1	(P-1954)	n
215.2	(P-1954)	n
215.20	(P-1954)	n
215.30	(P-1954)	n
215.50	(P-1954)	n
215.60	(P-1954)	n
215.70	(P-1954)	n

## TITLE 44

950.110	(P-3695)	r
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## TITLE 44 (CONT'D)

950.120	(P-3695)	r
950.130	(P-3695)	r
950.140	(P-3695)	r
950.150	(P-3695)	r
950.160	(P-3695)	r
950.170	(P-3695)	r
950.180	(P-3695)	r
950.210	(P-3695)	r
950.220	(P-3695)	r
950.230	(P-3695)	r
950.240	(P-3695)	r
950.250	(P-3695)	r
950.260	(P-3695)	r
950.270	(P-3695)	r
950.280	(P-3695)	r
950.290	(P-3695)	r
950.300	(P-3695)	r

## TITLE 47

100.10	(P-14337/91; A-3940)	am
100.20	(P-14337/91; A-3940)	am
100.30	(P-14337/91; A-3940)	am
100.40	(P-14337/91; A-3940)	am
100.50	(P-14337/91; A-3940)	am
100.85	(P-14337/91; A-3940)	am
100.103	(P-14337/91; A-3940)	am
100.105	(P-14337/91; A-3940)	am
100.106	(P-14337/91; A-3940)	r
100.110	(P-14337/91; A-3940)	am
100.111	(P-14337/91; A-3940)	r
100.113	(P-14337/91; A-3940)	am
100.115	(P-14337/91; A-3940)	am
100.120	(P-14337/91; A-3940)	am
100-AP. A	(P-14337/91; A-3940)	n

## TITLE 50

904.30	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	am
2008.10	(P-14859/91; PF-1743; W-2956; A-2766)	am
2008.20	(P-14859/91; PF-1743; W-2956; A-2766)	am
2008.30	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	am
2008.40	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	am
2008.50	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	am
2008.60	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	am
2008.61	(P-14859/91; PF-1743; W-2956; A-2766)	r
2008.70	(P-14859/91; PF-1743; W-2956; A-2766)	am
2008.71	(P-14859/91; PF-1743; W-2956; A-2766)	#
2008.71	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	n
2008.72	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)	n



TITLE 50 (CONT'D)	2008.Ap. M	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.73	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.74	n	r	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.75	#	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.75	am	#	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.80	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.81	r	n	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.81	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.82	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.90	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.100	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.101	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.102	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.103	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.104	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.110	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. A	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. B	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. C	#	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. C	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. D	r	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. D	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. E	#	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. E	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. F	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. G	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. H	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. I	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. J	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. K	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. L	n	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2008.Ap. M	#	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)

TITLE 56 (CONT'D)	2008.Ap. M	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2765.68	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
2770.110	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
5400.110	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
5400.210	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
5400.310	am	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
TITLE 59			
101.100	n	n	(P-14363/91; A-2137) (E-14663/91)
103.90	am	am	(E-2643)
115.300	am	am	(P-18334/91)
115.320	am	am	(E-2676)
119.260	am	am	(E-2662)
120.70	am	am	(E-2652)
125.70	am	am	(E-2672)
130.110	am	am	(E-2656)
132.10	n	n	(P-7) (E-211)
132.15	n	n	(P-7) (E-211)
132.20	n	n	(P-7) (E-211)
132.25	n	n	(P-7) (E-211)
132.30	n	n	(P-7) (E-211)
132.35	n	n	(P-7) (E-211)
132.40	n	n	(P-7) (E-211)
132.45	n	n	(P-7) (E-211)
132.50	n	n	(P-7) (E-211)
132.55	n	n	(P-7) (E-211)
132.60	n	n	(P-7) (E-211)
132.65	n	n	(P-7) (E-211)
132.70	n	n	(P-7) (E-211)
132.75	n	n	(P-7) (E-211)
132.80	n	n	(P-7) (E-211)
132.85	n	n	(P-7) (E-211)
132.90	n	n	(P-7) (E-211)
132.95	n	n	(P-7) (E-211)
132.100	n	n	(P-7) (E-211)
132.105	n	n	(P-7) (E-211)
132.110	n	n	(P-7) (E-211)
132.115	n	n	(P-7) (E-211)
132.120	n	n	(P-7) (E-211)
132.125	n	n	(P-7) (E-211)
132.130	n	n	(P-7) (E-211)
132.135	n	n	(P-7) (E-211)
132.140	n	n	(P-7) (E-211)
132.145	n	n	(P-7) (E-211)
132.150	n	n	(P-7) (E-211)
132.155	n	n	(P-7) (E-211)
132.160	n	n	(P-7) (E-211)
132.165	n	n	(P-7) (E-211)
132.170	n	n	(P-7) (E-211)
132.175	n	n	(P-7) (E-211)
132.Ap.A	n	n	(P-7) (E-211)
132.Ap.B	n	n	(P-7) (E-211)
132.Ap.C	n	n	(P-7) (E-211)
135.30	am	am	(E-2648)
TITLE 62			
200.12	am	am	(P-3267)
200.201	am	am	(P-3267)
200.402	am	am	(P-3267)
200.500	am	am	(P-3267)
200.600	am	am	(P-3267)





TITLE 86		TITLE 89		TITLE 93		TITLE 96	
110.190	n	(P-14196/91; A-2624)	114.124	am	(P-15008/91; A-3512)		
130.310	am	(P-15013/91; A-1642)	114.128	am	(P-4216) (E-4540)		
480.101	am	(P-15422/91; A-3578)	114.135	am	(P-4216) (E-4540)		
3000.100	am	(P-3802)	114.400	am	(P-15008/91; A-3512)		
3000.200	am	(P-3802)	120.50	am	(P-12137/91; A-139)		
3000.210	am	(P-3802)	120.200	n	(P-12137/91; A-139)		
3000.220	am	(P-3802)	120.208	r	(P-12137/91; A-139)		
3000.230	am	(P-3802)	120.210	r	(P-12137/91; A-139)		
3000.245	am	(P-3802)	120.211	r	(P-12137/91; A-139)		
3000.270	am	(P-3802)	120.212	r	(P-12137/91; A-139)		
3000.420	am	(P-3802)	120.215	r	(P-12137/91; A-139)		
3000.425	am	(P-3802)	120.216	r	(P-12137/91; A-139)		
3000.610	am	(P-3802)	120.217	r	(P-12137/91; A-139)		
3000.620	am	(P-3802)	120.218	r	(P-12137/91; A-139)		
3000.625	am	(P-3802)	120.224	r	(P-12137/91; A-139)		
3000.645	am	(P-3802)	120.225	r	(P-12137/91; A-139)		
3000.910	am	(P-3802)	120.230	r	(P-12137/91; A-139)		
3000.1010	am	(P-3802)	120.235	r	(P-12137/91; A-139)		
3000.1070	am	(P-3802)	120.236	r	(P-12137/91; A-139)		
			120.240	r	(P-12137/91; A-139)		
			120.245	r	(P-12137/91; A-139)		
			120.250	r	(P-12137/91; A-139)		
	am	(P-2752)	120.255	r	(P-12137/91; A-139)		
104.208	am	(P-2752)	120.260	r	(P-12137/91; A-139)		
104.210	am	(P-2752)	120.261	r	(P-12137/91; A-139)		
104.212	am	(P-2752)	120.262	r	(P-12137/91; A-139)		
104.273	am	(P-2752)	120.267	r	(P-12137/91; A-139)		
104.274	am	(P-2752)	120.270	r	(P-12137/91; A-139)		
110.30	am	(P-3405)	120.271	r	(P-12137/91; A-139)		
112.70	am	(P-3335)	120.272	r	(P-12137/91; A-139)		
112.71	am	(P-3335)	120.273	r	(P-12137/91; A-139)		
112.72	am	(P-3335)	120.275	r	(P-12137/91; A-139)		
112.74	am	(P-3335)	120.276	r	(P-12137/91; A-139)		
112.78	am	(P-3335)	120.280	r	(P-12137/91; A-139)		
112.79	am	(P-3335)	120.281	r	(P-12137/91; A-139)		
112.82	am	(P-3335)	120.282	r	(P-12137/91; A-139)		
113.40	am	(P-14994/91; A-3468)	120.283	r	(P-12137/91; A-139)		
113.50	am	(P-14994/91; A-3468)	120.284	r	(P-12137/91; A-139)		
113.302	r	(P-14994/91; A-3468)	120.285	r	(P-12137/91; A-139)		
113.400	n	(P-14994/91; A-3468)	120.290	r	(P-12137/91; A-139)		
113.405	n	(P-14994/91; A-3468)	120.295	r	(P-12137/91; A-139)		
113.410	n	(P-14994/91; A-3468)	120.319	am	(P-833/91; A-1862)		
113.415	n	(P-14994/91; A-3468)	120.320	am	(P-833/91; A-1862)		
113.420	n	(P-14994/91; A-3468)	120.321	am	(P-833/91; A-1862)		
113.425	n	(P-14994/91; A-3468)	120.322	am	(P-833/91; A-1862)		
113.430	n	(P-14994/91; A-3468)	120.323	am	(P-2420)		
113.435	n	(P-14994/91; A-3468)	121.58	am	(E-757)		
113.440	#	(P-14994/91; A-3468)	121.63	am	(P-2420)		
113.440	am	(P-14994/91; A-3468)	121.72	am	(P-2420)		
113.445	n	(P-14994/91; A-3468)	121.73	am	(P-2420)		
114.1	am	(P-15008/91; A-3512)	140.2	am	(P-17171/91; A-174)		
114.2	n	(P-15008/91; A-3512)	140.5	am	(P-17171/91; A-174)		
114.60	am	(P-15008/91; A-3512)	140.11	am	(P-6949/91; A-3552)		
114.61	am	(P-15008/91; A-3512)	140.27	am	(P-65) (E-300)		
114.62	am	(P-15008/91; A-3512)	140.441	am	(P-12171/91; A-4006)		
114.63	am	(P-15008/91; A-3512)	140.441	am	(P-12171/91; A-4006)		
114.64	am	(P-15008/91; A-3512)	140.442	am	(P-12171/91; A-4006)		
114.70	am	(P-15008/91; A-3512)	140.449	am	(P-12171/91; A-4006)		
114.80	am	(P-15008/91; A-3512)	140.514	am	(P-11555/91; A-4006)		
114.120	am	(P-15008/91; A-3512)	140.469	am	(P-13685/91; A-3552)		
114.121	am	(P-15008/91; A-3512)	140.526	r	(P-472)		
114.122	r	(P-15008/91; A-3512)	140.527	r	(P-472)		
114.123	r	(P-15008/91; A-3512)	140.528	r	(P-472)		

TITLE 77 (CONT'D)									
2032.15	r	(P-9218/91; A-2533)							
2032.20	r	(P-9218/91; A-2533)							
2032.25	r	(P-9083/91; A-2457)	n						
2032.30	r	(P-9083/91; A-2457)	n						
2032.35	r	(P-9083/91; A-2457)	n						
2032.40	r	(P-9083/91; A-2457)	n						
2032.45	r	(P-9153/91; A-2530)	n						
2032.50	r	(P-9153/91; A-2530)	n						
2032.55	r	(P-9153/91; A-2530)	n						
2032.60	r	(P-9153/91; A-2530)	n						
TITLE 80									
150.410	am	(P-4360)							
150.420	am	(P-4360)							
150.430	am	(P-4360)							
302.80	am	(P-336)							
303.102	am	(P-327)							
303.115	n	(P-9153/91; A-2457)							
303.125	am	(P-9153/91; A-2530)							
303.175	am	(P-9083/91; A-2457)							
303.290	am	(P-9153/91; A-2530)							
303.385	am	(P-9083/91; A-2457)							
304.51	n	(P-334)							
310.100	am	(P-342) (E-711)							
310.110	am	(P-9083/91; A-2457)							
310.130	am	(P-9083/91; A-2457)							
310.230	am	(P-9083/91; A-2457)							
310.280	am	(P-9153/91; A-2530)							
310.290	am	(P-9083/91; A-2457)							
310.490	am	(P-9153/91; A-2530)							
310.Ap. A	am	(P-9083/91; A-2457)							
310.Tb. C	am	(P-342)							
310.Tb. D	am	(P-9153/91; A-2530)							
310.Tb. E	am	(P-9083/91; A-2457)							
310.Tb. F	am	(P-342)							
310.Tb. G	am	(P-9083/91; A-2457)							
310.Tb. H	am	(P-342)							
310.Tb. I	am	(P-9083/91; A-2457)							
310.Tb. J	am	(P-342)							
310.Tb. K	am	(P-9083/91; A-2457)							
310.Tb. O	am	(P-342)							
310.Tb. P	am	(P-342)							
310.Tb. Q	am	(P-9083/91; A-2457)							
310.Tb. R	am	(P-342)							
310.Tb. S	am	(P-9153/91; A-2530)							
310.Tb. W	am	(P-9083/91; A-2457)							
310.Tb. X	am	(P-9153/91; A-2530)							
310.Tb. Y	am	(P-9083/91; A-2457)							
310.Tb. Z	am	(P-342)							
310.Ap. B	am	(P-12051/91; A-3450)							
2650.10	am	(P-3235)							
2650.25	am	(P-3235)							
TITLE 83									
200.715	n	(P-1936)							
410.360	r	(P-11899/91; A-2544)							
445.40	am	(P-11025/91; A-2535)							
445.50	am	(P-11025/91; A-2535)							
445.70	am	(P-9153/91; A-2530)							
500.335	am	(P-11025/91; A-2535)							
770.10	n	(P-11905/91; A-2550)							
770.20	r	(P-3242)							
770.30	n	(P-9149/91; A-2455)							
770.30	r	(P-9218/91; A-2533)							

TITLE 77 (CONT'D)									
2032.15	r	(P-9218/91; A-2533)							
2032.20	r	(P-9218/91; A-2533)							
2032.25	r	(P-9083/91; A-2457)	n						
2032.30	r	(P-9083/91; A-2457)	n						
2032.35	r	(P-9083/91; A-2457)	n						
2032.40	r	(P-9083/91; A-2457)	n						
2032.45	r	(P-9153/91; A-2530)	n						
2032.50	r	(P-9153/91; A-2530)	n						
2032.55	r	(P-9153/91; A-2530)	n						
2032.60	r	(P-9153/91; A-2530)	n						
TITLE 80									
150.410	am	(P-4360)							
150.420	am	(P-4360)							
150.430	am	(P-4360)							
302.80	am	(P-336)							
303.102	am	(P-327)							
303.115	n	(P-9153/91; A-2457)							
303.125	am	(P-9153/91; A-2530)							
303.175	am	(P-9083/91; A-2457)							
303.290	am	(P-9153/91; A-2530)							
303.385	am	(P-9083/91; A-2457)							
304.51	n	(P-334)							
310.100	am	(P-342) (E-711)							
310.110	am	(P-9083/91; A-2457)							
310.130	am	(P-9083/91; A-2457)							
310.230	am	(P-9083/91; A-2457)							
310.280	am	(P-9153/91; A-2530)							
310.290	am	(P-9083/91; A-2457)							
310.490	am	(P-9153/91; A-2530)							
310.Ap. A	am	(P-9083/91; A-2457)							
310.Tb. C	am	(P-342)							
310.Tb. D	am	(P-9153/91; A-2530)							
310.Tb. E	am	(P-9083/91; A-2457)							
310.Tb. F	am	(P-342)							
310.Tb. G	am	(P-9083/91; A-2457)							
310.Tb. H	am	(P-342)							
310.Tb. I	am	(P-9083/91; A-2457)							
310.Tb. J	am	(P-342)							
310.Tb. K	am	(P-9083/91; A-2457)							
310.Tb. O	am	(P-342)							
310.Tb. P	am	(P-342)							
310.Tb. Q	am	(P-9083/91; A-2457)							
310.Tb. R	am	(P-342)							
310.Tb. S	am	(P-9153/91; A-2530)							
310.Tb. W	am	(P-9083/91; A-2457)							
310.Tb. X	am	(P-9153/91; A-2530)							
310.Tb. Y	am	(P-9083/91; A-2457)							
310.Tb. Z	am	(P-342)							
310.Ap. B	am	(P-12051/91; A-3450)							
2650.10	am	(P-3235)							
2650.25	am	(P-3235)							
TITLE 83									
200.715	n	(P-1936)							
410.360	r	(P-11899/91; A-2544)							
445.40	am	(P-11025/91; A-2535)							
445.50	am	(P-11025/91; A-2535)							
445.70	am	(P-9153/91; A-2530)							
500.335	am	(P-11025/91; A-2535)							
770.10	n	(P-11905/91; A-2550)							
770.20	r	(P-3242)							
770.30	n	(P-9149/91; A-2455)							
770.30	r	(P-9218/91; A-2533)							

TITLE 77 (CONT'D)									
2032.15	r	(P-9218/91; A-2533)							
2032.20	r	(P-9218/91; A-2533)							
2032.25	r	(P-9083/91; A-2457)	n						
2032.30	r	(P-9083/91; A-2457)	n						
2032.35	r	(P-9083/91; A-2457)	n						
2032.40	r	(P-9083/91; A-2457)	n						
2032.45	r	(P-9153/91; A-2530)	n						
2032.50	r	(P-9153/91; A-2530)	n						
2032.55	r	(P-9153/91; A-2530)	n						
2032.60	r	(P-9153/91; A-2530)	n						
TITLE 80									
150.410	am	(P-4360)							
150.420	am	(P-4360)							
150.430	am	(P-4360)							
302.80	am	(P-336)							
303.102	am	(P-327)							
303.115	n	(P-9153/91; A-2457)							
303.125	am	(P-9153/91; A-2530)							
303.175	am	(P-9083/91; A-2457)							
303.290	am	(P-9153/91; A-2530)							
303.385	am	(P-9083/91; A-2457)							
304.51	n	(P-334)							
310.100	am	(P-342) (E-711)							
310.110	am	(P-9083/91; A-2457)							
310.130	am	(P-9083/91; A-2457)							
310.230	am	(P-9083/91; A-2457)							
310.280	am	(P-9153/91; A-2530)							
310.290	am	(P-9083/91; A-2457)							
310.490	am	(P-9153/91; A-2530)							
310.Ap. A	am	(P-9083/91; A-2457)							
310.Tb. C	am	(P-342)							
310.Tb. D	am	(P-9153/91; A-2530)							
310.Tb. E	am	(P-9083/91; A-2457)							
310.Tb. F	am	(P-342)							
310.Tb. G	am	(P-9083/91; A-2457)							
310.Tb. H	am	(P-342)							
310.Tb. I	am	(P-9083/91; A-2457)							
310.Tb. J	am	(P-342)							
310.Tb. K	am	(P-9083/91; A-2457)							
310.Tb. O	am	(P-342)							
310.Tb. P	am	(P-342)							
310.Tb. Q	am	(P-9083/91; A-2457)							
310.Tb. R	am	(P-342)							
310.Tb. S	am	(P-9153/91; A-2530)							
310.Tb. W	am	(P-9083/91; A-2457)							
310.Tb. X	am	(P-9153/91; A-2530)							
310.Tb. Y	am	(P-9083/91; A-2457)							
310.Tb. Z	am	(P-342)							
310.Ap. B	am	(P-12051/91; A-3450)							
2650.10	am	(P-3235)							
2650.25	am	(P-3235)							
TITLE 83									
200.715	n	(P-1936)							
410.360	r	(P-11899/91; A-2544)							
445.40	am	(P-11025/91; A-2535)							
445.50	am	(P-11025/91; A-2535)							
445.70	am	(P-9153/91; A-2530)							
500.335	am	(P-11025/91; A-2535)							
770.10	n	(P-11905/91; A-2550)							
770.20	r	(P-3242)							
770.30	n	(P-9149/91; A-2455)							
770.30	r	(P-9218/91; A-2533)							

TITLE 77 (CONT'D)									
2032.15	r	(P-9218/91; A-2533)</							



TITLE 92 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
140.529	r	(P-472)	240.1620	am	(P-4087)
140.530	am	(P-472)	240.1625	am	(P-4087)
140.539	am	(P-472)	240.1630	am	(P-4087)
140.543	am	(P-3045)	240.1635	am	(P-4087)
140.561	am	(P-7482/91; A-3552)	240.1640	am	(P-4087)
140.565	n	(P-1492)	240.1645	am	(P-4087)
140.579	am	(P-3409)	240.1650	am	(P-4087)
140.600	n	(P-472)	240.1655	am	(P-4087)
140.602	n	(P-472)	240.1660	am	(P-4087)
140.604	n	(P-472)	240.1665	am	(P-4087)
140.606	n	(P-472)	352.Ap. A	am	(P-13229/91; A-3924)
140.608	n	(P-472)	406.2	am	(P-14734/91) (E-15088/91;
140.610	n	(P-472)			M-2269)
140.612	n	(P-472)			(P-69)
140.614	n	(P-472)	510.10	am	(P-69)
140.646	am	(P-6949/91; A-1877)	510.20	am	(P-69)
144.300	n	(P-7455/91; A-3497)	510.40	am	(P-69)
144.325	n	(P-7455/91; A-3497)	510.70	am	(P-69)
147.25	am	(P-4218)	510.80	am	(P-69)
147.25	am	(P-4218)	510.90	am	(P-69)
147.50	am	(P-4218)	510.100	am	(P-69)
147.75	am	(P-4218)	510.110	am	(P-69)
147.Tb. A	am	(P-7501/91; A-4035)	510.120	am	(P-69)
147.Tb. B	am	(P-7501/91; A-4035)	510.130	am	(P-69)
147.Tb. D	am	(P-4218)	510.140	am	(P-69)
147.Tb. E	am	(P-4218)	510.150	am	(P-69)
147.Tb. G	am	(P-4218)	510.160	am	(P-69)
147.Tb. L	am	(P-1786)	510.170	am	(P-69)
148.140	am	(E-2258)	510.180	am	(P-69)
150.10	n	(E-2258)	510.190	am	(P-69)
150.20	n	(E-2258)	510.200	am	(P-69)
150.30	n	(E-2258)	510.210	am	(P-69)
150.40	n	(E-2258)	510.220	am	(P-69)
150.50	n	(E-2258)	510.230	am	(P-69)
150.60	n	(E-2258)	510.240	am	(P-69)
160.5	am	(P-806/91; A-1852)	510.250	am	(P-69)
160.10	am	(P-806/91; A-1852)	510.260	am	(P-69)
160.20	am	(P-2406)	510.270	am	(P-69)
160.30	am	(P-3605)	510.280	am	(P-69)
230.45	am	(P-3605)	510.290	am	(P-69)
230.570	am	(P-2630)	510.300	am	(P-69)
240.400	am	(E-17398/91; M-2930)	510.310	am	(P-69)
240.415	am	(E-17398/91; S-1744, W-2955;	510.320	am	(P-69)
240.430	am	M-2943)	510.330	am	(P-69)
240.435	am	(P-17007/91; M-2930)	510.340	am	(P-69)
		(E-17398/91; S-1744, W-2955;	510.350	am	(P-69)
		M-2943)	510.360	am	(P-69)
240.655	am	(P-14335/91) (E-4069)	510.370	am	(P-69)
240.720	am	(P-17007/91; M-2930)	510.380	am	(P-69)
		(E-17398/91; S-1744, W-2955;	510.390	am	(P-69)
		M-2943)	510.400	am	(P-69)
240.725	am	(P-17007/91; M-2930)	510.410	am	(P-69)
		(E-17398/91; S-1744, W-2955;	510.420	am	(P-69)
		M-2943)	510.430	am	(P-69)
240.726	n	(E-2630)	510.440	am	(P-69)
240.800	am	(E-2901)	510.450	am	(P-69)
240.810	am	(E-2901)	510.460	am	(P-69)
240.825	am	(E-2901)	510.470	am	(P-69)
240.855	am	(E-2901)	510.480	am	(P-69)
240.1600	am	(P-4087)	510.490	am	(P-69)
240.1605	am	(P-4087)	510.500	am	(P-69)
240.1610	am	(P-4087)	510.510	am	(P-69)
		(P-4087)	510.520	am	(P-69)
		(P-4087)	510.530	am	(P-69)
		(P-4087)	510.540	am	(P-69)
		(P-4087)	510.550	am	(P-

SECTIONS AFFECTED INDEX

TITLE 92 (CONT'D)

787.40 n (P-13027/91; A-2882)  
787.50 n (P-13027/91; A-2882)  
1030.11 am (P-1271)  
1030.30 am (P-2449)  
1030.84 am (P-14198/91; A-2182; C-2957)  
1070.20 am (P-15428/91; A-2172)  
1070.40 am (P-15428/91; A-2172)  
1309.10 n (P-3238)  
1309.20 n (P-3238)  
1309.30 n (P-3238)  
1311.10 n (P-4195/91; W-2942)

TITLE 95

116.40 am (P-558)  
121.20 n (P-561)  
121.30 n (P-561)  
121.40 n (P-561)  
121.50 n (P-561)  
121.60 n (P-561)  
121.70 n (P-561)  
121.80 n (P-561)  
121.90 n (P-561)  
121.100 n (P-561)  
121.110 n (P-561)  
121.120 n (P-561)  
121.130 n (P-561)  
121.140 n (P-561)  
121.150 n (P-561)  
121.160 n (P-561)  
121.170 n (P-561)  
121.180 n (P-561)  
121.190 n (P-561)  
121.200 n (P-561)  
121.210 n (P-561)  
121.220 n (P-561)  
121.230 n (P-561)  
122.10 n (P-2113)  
122.20 n (P-2113)  
122.30 n (P-2113)  
122.40 n (P-2113)  
122.50 n (P-2113)  
122.60 n (P-2113)  
122.70 n (P-2113)

